

<p>1 Tuesday, 23 October 2018 2 (10.00 am) 3 THE CHAIR: Good morning, everyone, and welcome to Day 12 of 4 this public hearing. Mr Livingston? 5 MR LIVINGSTON: Good morning, chair, and members of 6 the panel. This morning, we are calling Sue Matthews to 7 give evidence. 8 MS SUSAN MATTHEWS (sworn) 9 Examination by MR LIVINGSTON 10 MR LIVINGSTON: Good morning, Ms Matthews. You have 11 provided a statement to the inquiry which is at tab 1 of 12 your bundle. You may have taken it out. For the 13 record, the reference for that is CPS004387. Are there 14 any corrections you need to make to your statement, 15 Ms Matthews? 16 A. Yes. The one main correction is that I believe the 17 training course that I created, I think it's dated 2008, 18 not 2007. That's at paragraph 4. 19 Q. I'm grateful for that. 20 A. Sorry, or paragraph 5. 21 Q. It's paragraph 4, I think. Ms Matthews, the panel have 22 a copy of your statement, and the full statement will be 23 uploaded and published on the website. 24 A. Yes. 25 Q. I am not going to go to every line of the statement.</p> <p style="text-align: center;">Page 1</p>	<p>1 Instead, I am going to take you to some specific topics 2 and ask you about it. I might jump around the statement 3 a little bit, because I'm going to try and do it in 4 rough chronological order, so bear with me on that. 5 Firstly, I am going to summarise your background as 6 you set out in your statement. You're a solicitor and 7 senior Crown Prosecutor currently working in the 8 East Midlands Complex Casework Unit. You joined the CPS 9 in 1989, and since 1996 have increasingly specialised in 10 rape and serious sexual offences. You joined the 11 Crown Advocate Unit full time in 2010, and moved to the 12 RASSO Unit in 2013. In 2016, you joined the 13 East Midlands Complex Casework Unit based in Nottingham, 14 and in 2017 you took over the casework relating to 15 Operation Equinox, and that's a role you carry on until 16 today. Is that right? 17 A. Yes, that's right. 18 Q. Ms Matthews, from paragraph 4, you set out some of your 19 training and experience, both the training that you have 20 undertaken and the training which you have implemented, 21 so you say that you tutored a course on child abuse, you 22 introduced a national training course on child abuse, 23 you assisted in writing CPS guidance at the time on 24 child abuse, and that you co-ordinated CPS training on 25 child abuse. Can you tell us a little bit about the</p> <p style="text-align: center;">Page 2</p>
<p>1 extent to which you had to push that training? 2 A. The CPS came into being in 1985, but there were many 3 areas of law that the CPS had to deal with. During my 4 experience of dealing with Crown Court work, it became 5 apparent that there was clearly child abuse occurring, 6 but we didn't seem to be gaining the convictions that we 7 ought to have. I don't know whether many here will 8 remember the question-and-answer sort of interviews that 9 there were with children, and it wasn't adequate, it 10 wasn't enough. 11 Eventually, the transfer provisions came in, which 12 permitted cases involving abused children to be 13 transferred straight to the Crown Court and, on the back 14 of that, some of the lawyers in the East Midlands area 15 began to write training packages on both the transfer 16 legislation but also child abuse. 17 I became very interested in that area, and asked if 18 I could also tutor those courses, and so you will see in 19 the late 1990s and early 2000, we were actually training 20 on child abuse -- we called it a child abuse workshop -- 21 in the East Midlands area. Those involved in that work 22 gradually moved on and it was left to myself and another 23 colleague to try and carry on that work. 24 Around that time, the Speaking up for Justice 25 Project came into being. That was from the Youth</p> <p style="text-align: center;">Page 3</p>	<p>1 Justice and Criminal Evidence Act 1999 legislation, 2 which was only implemented in 2002. Most particularly, 3 that introduced the special measures we are all very 4 aware of today. That had a massive impact on the 5 ability for children to give evidence. Their evidence 6 could be videoed; they didn't have to be in a live 7 court; they didn't have to be in a situation where they 8 were giving evidence live and then freeze in the box and 9 not know what to say. It had already been recorded. 10 That was a massive step forward. 11 There were other protective measures also introduced 12 at the same time: reporting restrictions; anonymity; 13 that type of assistance. 14 I became one of the national tutors involved in that 15 and, the more I worked with that, the more it became 16 apparent that even that wasn't enough. There wasn't any 17 training, really, on actually, how do you conduct 18 a child abuse case. 19 Q. Thank you -- sorry, carry on. 20 A. If I may. 21 Q. Yes, please do. 22 A. As a result of that, I concluded, along with one of my 23 colleagues at Nottingham, that, if no-one else was going 24 to do it, then why don't we do it, and so that's exactly 25 what happened, and over the next few years we did a lot</p> <p style="text-align: center;">Page 4</p>

<p>1 of training in Nottingham. That allied itself with the 2 rape action plan, with the inspectorate report from 3 2002. It was quite obvious that although the 4 inspectorate report had come in, although we had the 5 rape action plan, there was still not enough happening. 6 Particularly, having been a Speaking up for Justice 7 tutor and having come across some witnesses who had 8 spoken powerfully at those training courses, I was very 9 conscious we needed to do more. We had produced a lot 10 of training in Nottingham, for example, to do with, for 11 example, medical evidence, what specific sexual 12 offences, making sure people understood the offences, 13 and of course, by that stage, we also had the Criminal 14 Justice Act 2003 had come in and the Sexual Offences Act 15 2003, which introduced new legislation. So there was 16 a lot going on. There were a lot of new offences. 17 The Sexual Offences Act, we codified, effectively, 18 the previous sexual offences law and made it much 19 easier. Some of the terminology from the previous 20 legislation, those who remember it, was very archaic, 21 and in fact quite insulting at times. So I think the 22 new sexual offences legislation made it much easier. 23 There were specific offences, of breach of trust, for 24 example, and also there were offences both of consensual 25 and nonconsensual, if you like, abuse against children.</p> <p style="text-align: center;">Page 5</p>	<p>1 By that I mean where they may be conditioned in going 2 along with it, but not actually -- necessarily factually 3 not consenting. 4 So we continued to train all those topics and more, 5 and began to build up a cadre of prosecutors, 6 particularly in Nottingham, but also in Derby, of people 7 who were specialists in that area. This was long before 8 there was a requirement, really, that that happen. It's 9 quite apparent that, in 2008, nationally we started to 10 push for very specific specialists in this area -- 11 Q. Sorry, if I can interrupt. 12 A. Yes. 13 Q. Is your evidence that, well before that, in Nottingham 14 you were already taking those steps? 15 A. Yes. 16 Q. If I can fast forward to the present day, Ms Matthews, 17 do you think that the training that's currently given to 18 people working within the CPS is sufficient? 19 A. I would like to see a classroom course on child abuse. 20 Q. And at the moment that doesn't exist? 21 A. There is one for rape and serious sexual offences, but 22 I would actually like to see us really concentrate on 23 child abuse, because it is slightly different, and it is 24 more complicated, and you're addressing issues, for 25 example, institutional abuse, children in foster care,</p> <p style="text-align: center;">Page 6</p>
<p>1 peer-on-peer abuse, I would like to see some more work 2 in that area. 3 May I say that that was exactly the course that 4 I prepared in 2008, and we did start teaching that. It 5 was a two-day course. But because, of course, at that 6 time nationally there became cuts in public services, 7 a lot of the training moved to e-learning. 8 Q. Electronic learning? 9 A. Electronic learning, yes. And of course, since then, we 10 have now moved back to a little bit more classroom-based 11 training. I know it is resource heavy, it is costly, 12 but I would like to see more classroom training. You 13 could even have survivors come and talk about their 14 experience in court, or what has happened to them, but 15 there is nothing like classroom training, talking to 16 your colleagues, talking to police officers, 17 investigators, survivors, to really bring to life what's 18 actually happening. 19 Q. Thank you, Ms Matthews. Before we get on to some of 20 the specific cases, a broad question: in your role, are 21 you involved in actually speaking to complainants when 22 cases go to court? So in court, would you be speaking 23 with them before? 24 A. If a complainant would like to have a witness meeting 25 with myself and prosecuting counsel, then I will meet</p> <p style="text-align: center;">Page 7</p>	<p>1 with them. Sometimes we just meet on the day of court, 2 but they are always offered that opportunity. 3 Q. Are they offered the opportunity to meet individually, 4 or is it as a group? 5 A. Oh, individually. 6 Q. One more broader thing: at paragraph 14 of your 7 statement, which we don't need to go to, you say that 8 when a decision is made not to prosecute, the police are 9 responsible for informing the victim or survivor and 10 telling them of their right to request a review. 11 A. Yes. 12 Q. At that stage, is it simply the police's responsibility, 13 or do the CPS take any steps to ensure that the victim 14 is told of that right? 15 A. Prior to charge, if there's been a formal consultation 16 with the police, whether it's by telephone or in person, 17 then the duty is on the police, according to the 18 Victim Code, to speak with the witness, and explain the 19 decision not to prosecute, and also to inform them of 20 their right to review. But what we are encouraged to do 21 in our charging advice is to make that clear in writing, 22 so that the victim does understand that position. 23 Q. Would the charging advices be sent to the victim 24 usually? 25 A. No.</p> <p style="text-align: center;">Page 8</p>

<p>1 Q. Coming on to some of the specific cases, Ms Matthews, 2 the first one I'm going to talk about isn't in your 3 statement because the documents were sent to you 4 a couple of weeks ago. I'm hoping that you have had 5 a chance to read it. It is at tabs 8 to 11 of 6 the bundle. It is a case from 2004.</p> <p>7 A. Right.</p> <p>8 Q. Briefly --</p> <p>9 A. Sorry, which tab in the bundle?</p> <p>10 Q. It's tabs 8 to 11. I am going to summarise very briefly 11 the facts in this case, and then I will ask you some 12 questions about it.</p> <p>13 In May 2004, a 15-year-old boy, A394, disclosed to 14 his social worker that he had been sexually abused by 15 his foster mother two years earlier, and you gave 16 initial advice on this in September 2004, which is at 17 tab 8. The reference, although we don't need to bring 18 it up on screen, is NTP001177. In that initial advice, 19 you said that the appropriate charge in due course would 20 be incitement to commit gross indecency, but you said 21 there were several matters which concerned you and 22 needed to be clarified first, and you said that, 23 although the victim came across as credible, because it 24 was his word against the accused, you needed to be sure 25 that he would be a credible witness.</p> <p style="text-align: center;">Page 9</p>	<p>1 You then provided a final advice in November 2004, 2 deciding not to charge. If we can go to that at tab 9.</p> <p>3 A. Is it possible to put it on the screen, please?</p> <p>4 Q. Yes. I am going to do that. It is NTP001178. Your 5 decision/advice is contained within the box.</p> <p>6 Ms Matthews, you set out here -- you say: 7 "As a result of further enquiries that the officer 8 in the case has made ... there is a great deal of 9 background information, some of which is very 10 undermining."</p> <p>11 Then you set out the three main problems. The first 12 one, you say, is that A394 had made previous allegations 13 about someone else to an aunt, but had failed to make 14 any disclosures when interviewed by the police, and you 15 said that, because of that, it may be suggested to him 16 that he had previous unproven allegations.</p> <p>17 Presumably, Ms Matthews, it is not uncommon for 18 children to make disclosures and then not go through 19 with them at a later stage?</p> <p>20 A. That's correct.</p> <p>21 Q. In fact, the inquiry has seen, and you may well be 22 aware, that Child Protection guidance going back to the 23 early '90s refers to the fact that children retract 24 statements and that action can still be taken. Do you 25 think that that's something that should be taken to be</p> <p style="text-align: center;">Page 10</p>
<p>1 an undermining factor?</p> <p>2 A. It's of concern, but there can always be reasons, as you 3 say, why children don't disclose when they actually meet 4 an official person where they're supposed to disclose, 5 so that, on its own, wouldn't stop me charging.</p> <p>6 We have to put ourselves in the shoes of those 7 children, or the child. It is a huge thing to say that 8 they have been abused.</p> <p>9 Q. If we go on to the second factor, which is at number 2, 10 and to summarise that, the child had admitted sexually 11 abusing other children in the foster home, although 12 those other children had actually said that nothing had 13 happened to them, and you said, therefore, it might be 14 suggested by the defence that the complainant was 15 obsessed with sex. Was there an understanding at this 16 stage, if you can take yourself back there, that a child 17 who said that he had been sexually abusing children, or 18 in fact had been sexually abusing other children, might 19 be an indicator that he had been the victim of abuse 20 rather than something which undermined the complaints?</p> <p>21 A. I think, using your commonsense, it could be an 22 indicator. I think the problem here is the concerns are 23 mounting. Each item on its own might not be a reason 24 not to proceed, but when you start to add all the issues 25 together, it becomes concerning. Yes, of course it can</p> <p style="text-align: center;">Page 11</p>	<p>1 be an indicator, because where have they learnt that 2 behaviour?</p> <p>3 Q. The third factor that you raise is that you say it would 4 appear that he was not happy in the foster placement and 5 was moved and, therefore, you say he probably feels 6 rejected and it may be suggested that he came up with 7 the allegation as he wants to get back at F191.</p> <p>8 Did you consider whether the fact that he was not 9 happy in the placement and was moved elsewhere might be 10 as a result of the abuse, rather than the reason for him 11 making the allegation?</p> <p>12 A. It can be, but my understanding of this case is that, in 13 fact, it was the foster parents that were ending the 14 contact, so that's why I was concerned that there might 15 be a feeling of rejection. It was a difficult case. 16 Each item on its own you might not be quite so worried 17 about, but once you start to paint the picture together, 18 it creates concerns. As with all these cases, it 19 doesn't mean that abuse hasn't happened; it's whether 20 I can say there's a realistic prospect of conviction, 21 and they are two different things.</p> <p>22 Q. Looking back, with hindsight -- I appreciate this is 23 2004, so 14 years ago -- do you think that these three 24 factors collectively now would still be a reason not to 25 prosecute?</p> <p style="text-align: center;">Page 12</p>

<p>1 A. They would still cause me concern. You appreciate this 2 was 14 years ago -- 3 Q. Of course. 4 A. -- and I'm really struggling to remember all the details 5 of the case. They would still cause me concern. It's 6 my job to make sure that the investigation is as 7 complete as possible and that I have all the information 8 I should have in order to make a decision, and if I have 9 concerns that there isn't a realistic prospect, it's my 10 job to make that decision, and it's a hard one. 11 Q. I'm going to move on to another case, Ms Matthews. This 12 is the case of F221. We will go to the documents in 13 a minute, but to summarise, I think this was a case 14 which you actually found yourself -- you found the 15 advices yourself on the computer -- 16 A. Which tab is this, please? 17 Q. This will be tabs 21 to 22. 18 A. Could we put these on the screen? It's much easier to 19 see them. 20 Q. Of course, yes. I am just going to summarise first what 21 the case was about. This was an allegation against the 22 son of foster parents, and you advised firstly on the 23 case in April 2006. There was an allegation from three 24 children that they had been sexually abused by F221, who 25 was the adult son of the children's foster carers. One</p> <p style="text-align: center;">Page 13</p>	<p>1 girl had made a contemporaneous disclosure in the early 2 1990s, another had reported in 1995 and then a third in 3 the mid 2000s. You initially authorised charges, but at 4 paragraph 65 of your statement, you tell us that between 5 the suspect being charged and the upcoming trial, 6 further Social Services material was identified and you 7 say that, on closer scrutiny of these records, key 8 undermining facts were discovered. 9 You say in your statement, Ms Matthews, that 10 nowadays you would expect police to identify and provide 11 the Social Services records at a pre-charge stage. You 12 say that that's what you would expect. 13 A. Yes. 14 Q. Is that what happens in practice? 15 A. Yes. 16 Q. In this case, you obviously have -- you say that between 17 the initial authorisation of charge and the decision, 18 you received Social Services records? 19 A. From my recollection of this case, I had some 20 information before, but I don't believe I had all the 21 information, and the information that came post charge 22 was much more undermining. 23 Q. We can have up on screen NTP001622, which is tab 21 of 24 your bundle. This is the memo re discontinuance. Just 25 so that everyone understands the parlance used,</p> <p style="text-align: center;">Page 14</p>
<p>1 am I right in thinking that, because you'd initially 2 authorised charge, you had to make a decision to 3 discontinue rather than refusing charge? 4 A. That's correct. 5 Q. Is the test for a discontinuance the same as the test 6 for whether you charge in the first place? 7 A. Yes. 8 Q. So still -- 9 A. Every case is under continuous review; that is our duty. 10 If material becomes apparent that would alter that 11 decision to prosecute, then we have to deal with that. 12 Q. A slightly broader question, if you can help us, is, in 13 this case, you talk about receiving the Social Services 14 records and how that assisted with your decision. 15 A. Yes. 16 Q. Would you also, in a case involving children in foster 17 care, for example, expect to see a foster care file in 18 relation to the foster parents? 19 A. Yes, and, I have to say, having conducted more recent 20 cases in Operation Equinox, and having had all that 21 material early on, it isn't just unused material. Some 22 of it is evidence. 23 Q. Can you explain that a little bit? 24 A. I would love to explain it to you. I think many 25 prosecutors see third party material as just</p> <p style="text-align: center;">Page 15</p>	<p>1 a disclosure issue and just a matter of dealing with 2 relevant disclosures to the defence. 3 Q. Sorry to interrupt. When you say "third party 4 material" -- 5 A. Third party or social care material. 6 Q. Okay. 7 A. But actually, we need to make a leap forward, because, 8 actually, it can be evidence, and most particularly with 9 the institutional abuse, when you look at the logs of 10 the care homes, there will be daily logs of what's 11 happening in that home and what's happening with 12 a particular child. You will see a pattern. There is 13 a pattern of association with this particular 14 individual, constantly taking this child out to the gym 15 or to shopping, and you are left wondering, why are they 16 always going out together, why are they always on their 17 own? It's actually very powerful evidence. And then, 18 how is that child when they come back? And sometimes 19 they are angry or irritable or not quite right. It's 20 actually very powerful evidence, and, I have to say, 21 I commend Nottinghamshire Police for the way they have 22 dealt with the social care material, because they have 23 been really good at locating the material and 24 highlighting where there's actually evidence as well as 25 unused material.</p> <p style="text-align: center;">Page 16</p>

<p>1 Q. If I can crudely summarise that point, it's that you 2 think that records such as Social Services records, 3 daily logs, foster parent files, need to be seen by the 4 CPS -- 5 A. Yes, they do. 6 Q. -- as more central as opposed to tangential to a case? 7 A. They do, and we need to have a slightly different 8 mind-set, that it is not always just unused material, 9 sometimes it can be evidential. 10 Q. I suppose what you're saying is that it can support the 11 case -- 12 A. Yes. 13 Q. -- as well as undermine it? 14 A. Yes. 15 Q. One thing that you say in this memo on the second page, 16 in the second top paragraph: 17 "Thank you for your hard work and I am sorry that it 18 has left us with no option but to terminate proceedings 19 but at least we have avoided a miscarriage of justice." 20 Why do you think that if proceedings had been 21 pursued to trial it would have been a miscarriage of 22 justice? 23 A. I suppose what I mean by that is that I have to make 24 sure a case is safe. Can I repeat, it doesn't mean that 25 abuse hasn't happened. It's whether there is</p> <p style="text-align: center;">Page 17</p>	<p>1 a realistic prospect of conviction, and it's a hard 2 decision, it's a huge weight and duty on our shoulders. 3 But that's what we are here for, to make that decision. 4 It is important that I put before a jury a case that is 5 safe. 6 Q. Presumably, the use of the phrase "miscarriage of 7 justice" suggests that you thought there would be a risk 8 that if it was proceeded with -- 9 A. There was a risk. I was concerned about the undermining 10 factors that we had found. 11 Q. I'm going to move on to the Stephen Noy case. I will 12 take you to the tabs when we get to the documents. 13 Again, to summarise, this was a case in which 14 allegations were made, firstly in 2006, of sexual abuse 15 against Stephen Noy by A286 who was a child who had been 16 fostered by him in the past and by others, and the 17 decision in 2006, which you weren't involved in, was not 18 to prosecute. 19 The case then came to you in March 2014, as the 20 allegations had been raised again, and you say in your 21 statement from paragraph 27 to paragraph 32 that you got 22 further information and then came to the decision that 23 there was a realistic prospect of conviction. 24 Now, I know in this case and in others that process 25 has happened, where there's been an earlier decision not</p> <p style="text-align: center;">Page 18</p>
<p>1 to prosecute and then you have taken the decision that 2 there is sufficient evidence to prosecute. 3 At that point, are you again still applying the 4 Code Test of, is there a realistic prospect of 5 conviction, or is there a higher test to overturn the 6 previous decision not to prosecute? 7 A. Well, when a decision is made about a case, the suspect 8 has to have confidence in that decision as well. So 9 it's a huge decision to make to actually overturn 10 a previous decision, and that's why the decision has to 11 ultimately be made by a lawyer at a higher level. So 12 I will make my own decision, analyse the case, but then 13 I will then refer it to a Chief Crown Prosecutor or 14 acting Chief Crown Prosecutor to confirm whether they 15 agree with the decision that I have made. 16 There are certain criteria to be applied when we 17 consider overturning a case. One of those criterion is 18 if there is new evidence. I think, from my recollection 19 of the Noy case, there was new evidence. I'm trying to 20 remember the other criteria, but that's -- also, if the 21 decision was inherently wrong, it was so obviously 22 wrong, then that would also be another ground to 23 overturn the previous decision. So it is a balancing 24 act. It is a huge decision to say, actually, I'm going 25 to alter the decision here.</p> <p style="text-align: center;">Page 19</p>	<p>1 Q. If I can summarise that, if possible. So it's that, 2 where you're overturning a decision, (a) you need to get 3 a more senior person to sign off on it? 4 A. Yes. 5 Q. And (b) certain criteria have to be fulfilled? 6 A. Yes. 7 Q. At paragraph 31 of your statement -- I don't know if you 8 have that to hand. You talk about the -- very briefly, 9 you talk about the differences and the different 10 perspective that you took between the decision in 2006 11 and the 2014 decision. 12 A. Yes. 13 Q. You say that in 2006, A286's credibility had been 14 regarded as undermined based on her behaviour as 15 outlined in the third party material. You say that it 16 is always important to look behind behaviour like 17 that -- 18 A. Yes. 19 Q. -- because it could be explained in the context of 20 the previous background and having been abused, as well 21 as a mental health issue. Do you think that that 22 approach, in terms of how you look at behaviour, has 23 changed between 2006 and now? 24 A. May I just stress, I didn't make the decision in 2006. 25 I was asked to look at this again when it came back to</p> <p style="text-align: center;">Page 20</p>

<p>1 the police. I think, as an organisation, we have learnt 2 to look underneath a case, to get right underneath it, 3 and ask ourselves what is really happening; not to be 4 affected by any sort of myths or stereotypes or, "Well, 5 we don't normally get a conviction on that sort of 6 case". So we have learnt. I think we have improved as 7 an organisation. So possibly attitudes had improved, 8 shall we say.</p> <p>9 In that case, it's interesting that the complainant 10 whose case was refused charge in 2006, it turned out she 11 was actually suffering from post-traumatic stress 12 disorder. It explains a lot of her behaviour at that 13 time.</p> <p>14 My recollection of that case as well, there was 15 another complainant that came forward, and that second 16 complainant had also seen inappropriate behaviour by the 17 defendant on the first complainant.</p> <p>18 Q. At paragraph 32 of your statement, you address the 19 extent to which a civil litigation claim would impact on 20 your decision to charge, and you say you have a duty to 21 identify any material which might undermine 22 a complainant's account, but unless a civil action 23 revealed substantial conflicts with the evidence, it 24 would not impact on the decision to charge.</p> <p>25 Firstly, a question that might seem very obvious to</p> <p style="text-align: center;">Page 21</p>	<p>1 you, but if a complainant had made a civil claim about 2 the abuse, does that need to be disclosed to the 3 defence?</p> <p>4 A. Yes. The reason being that of course they can 5 cross-examine on the basis that there's a financial 6 motive for making this complaint. That's not 7 necessarily or at all true, but it's a disclosure point 8 that we obviously have to make to the defence.</p> <p>9 Q. We have looked, as an inquiry, at some examples of 10 issues being raised about discrepancies between civil 11 claims and between accounts given in police interviews. 12 If that discrepancy is simply that a complainant makes 13 more allegations in a civil claim than they did in 14 a police interview, in your view, would that amount to 15 a substantial conflict of the sort that might affect 16 your decision?</p> <p>17 A. It's not a conflict, is it; if they are just making 18 additional allegations in their civil claim, it's simply 19 detailing more abuse. It's not uncommon for 20 complainants to actually reveal more -- sometimes we 21 have to go back to a second video interview. So that in 22 itself wouldn't disturb me.</p> <p>23 It's whether there's a gross and massive difference 24 in those statements.</p> <p>25 Q. I want to move on to a case you dealt with involving</p> <p style="text-align: center;">Page 22</p>
<p>1 harmful sexual behaviour, peer-on-peer abuse, as it is 2 known.</p> <p>3 A. Yes.</p> <p>4 Q. This is a case you dealt with in 2014 and you address it 5 in your statement at paragraphs 33 to 43.</p> <p>6 In brief summary about that case, the allegations 7 were that a male child in a residential home had entered 8 the room of a girl who was also a resident, had grabbed 9 her wrist and held it above her head while she laid on 10 the bed and had kissed and bitten her neck and then had 11 pulled her hand down to his penis and tried to put it 12 down his trousers. You note that you were able to deal 13 with that case because you were a designated youth 14 specialist. Can you help, for how long has it been the 15 case that child-on-child abuse cases have had to be 16 dealt with by a youth specialist?</p> <p>17 A. In all honesty, I can't remember --</p> <p>18 Q. That's okay.</p> <p>19 A. -- when that came into being. All I knew is that you 20 did need to be a youth specialist.</p> <p>21 Q. In that case -- we don't need to go to -- in fact, we 22 will in a minute go to the initial advice that you 23 provided in December 2014 along with an action plan and 24 you ended up providing a final advice in February 2015 25 where you concluded there was insufficient evidence on</p> <p style="text-align: center;">Page 23</p>	<p>1 the issue of consent.</p> <p>2 Looking at the original 2014 advice, that's tab 23, 3 CPS003333. If we can go to page 3 of that, please. 4 Actually, sorry, page 2 maybe.</p> <p>5 I just want to run through, so that we understand 6 how these cases are approached. You have set out 7 various headings and then answered them below. At the 8 bottom, at number 6, we see that you refer to the public 9 interest test, and then you set out some of the guidance 10 in relation to children as alleged offenders and 11 children in care specifically.</p> <p>12 Do factors relating to the alleged perpetrator being 13 a child only come in at the public interest stage, or is 14 that also relevant to the evidential test as well?</p> <p>15 A. It's primarily public interest. There's actually quite 16 a lot to consider when it's peer-on-peer, and in 17 institutions as well. In terms of evidential, it might 18 impact on mens rea, for example, or if there are 19 learning issues connected with that child, which were 20 the case here.</p> <p>21 I think subconsciously, with any child, whether 22 they're a suspect or a witness, you try and put yourself 23 in the child's shoes, try and understand the position 24 from the perspective of the child. So to that extent, 25 it impacts on the evidence. But it's largely public</p> <p style="text-align: center;">Page 24</p>

<p>1 interest, really.</p> <p>2 Q. I just want to run through some of these factors. Just</p> <p>3 to clarify, what you have done in this advice is copied</p> <p>4 guidance, the CPS guidance, into the advice so it is all</p> <p>5 set out there?</p> <p>6 A. Exactly, so.</p> <p>7 Q. So one heading you set out is "Offending behaviour in</p> <p>8 children's homes", and you refer to the fact, amongst</p> <p>9 others, that the police are more likely to be called to</p> <p>10 a children's home than a domestic setting to deal with</p> <p>11 an incident of offending behaviour.</p> <p>12 A. Yes.</p> <p>13 Q. You also set out there some things about behaviour</p> <p>14 management policies, which I think aren't as relevant to</p> <p>15 the issue of peer-on-peer sexual abuse. But at page 7,</p> <p>16 paragraph 2, you say, if sexual abuse by a young</p> <p>17 offender passes the evidential test, the balance of the</p> <p>18 public interest test must be carefully considered before</p> <p>19 any prosecution is commenced and it must take into</p> <p>20 account the view of other agencies, particularly</p> <p>21 Social Services.</p> <p>22 A. Yes.</p> <p>23 Q. Ms Matthews, this might seem obvious to you, but why</p> <p>24 must that decision take into account the view of other</p> <p>25 agencies, because presumably that's not the case in most</p> <p style="text-align: center;">Page 25</p>	<p>1 other prosecutions?</p> <p>2 A. No. Well, because they're a child, and you're trying to</p> <p>3 look at whether the child can be -- the suspect, that</p> <p>4 is, can be helped, whether there's a reason behind</p> <p>5 what's happening to them, whether there's a diversion</p> <p>6 process that can be put into place. Those agencies will</p> <p>7 have an understanding of that child, particularly if</p> <p>8 they are a looked-after child in care. So it is very</p> <p>9 important to have their perspective.</p> <p>10 I think there was real concern about labelling</p> <p>11 children as criminals from an early age. Obviously,</p> <p>12 that has to be balanced against a situation where you</p> <p>13 have a serious allegation of sexual abuse. So it's</p> <p>14 trying to help these children as well.</p> <p>15 Q. If I might ask you to comment on -- you talked about the</p> <p>16 diversion policy that's often applied --</p> <p>17 A. Yes.</p> <p>18 Q. -- and we have seen various documents where</p> <p>19 Social Services talk about that diversion policy as</p> <p>20 well.</p> <p>21 A. Yes.</p> <p>22 Q. That's the idea, which you just explained, of children</p> <p>23 who are alleged perpetrators or even admitted</p> <p>24 perpetrators, not necessarily taking them into the</p> <p>25 criminal justice route, but trying to deal with it</p> <p style="text-align: center;">Page 26</p>
<p>1 perhaps in another way.</p> <p>2 Do you think that that idea of diversion and the</p> <p>3 idea of trying to avoid potentially a criminal justice</p> <p>4 process, is one that permeates child-on-child sexual</p> <p>5 abuse cases?</p> <p>6 A. I think with sexual abuse it's very serious. Obviously</p> <p>7 there is a minor touching type of abuse. But the more</p> <p>8 serious the abuse, the less likely diversion would be</p> <p>9 appropriate. Child sexual abuse is probably one of</p> <p>10 the more serious offences that you might deal with with</p> <p>11 a youth offender. So diversion is less likely.</p> <p>12 Q. If we can go to tab 12, CPS003335, please. We have</p> <p>13 spoken previously, in December 2014, you did a first</p> <p>14 advice, and you asked for some further information.</p> <p>15 This is your final decision, after you'd received that</p> <p>16 information. I want to ask you about a couple of things</p> <p>17 from that. If we can go to page 3, first of all. The</p> <p>18 heading is "Responses from OIC". Just to check what</p> <p>19 that means, does that mean that you'd set out questions</p> <p>20 to the police officer in charge of the case --</p> <p>21 A. Yes, and then I put the answer below.</p> <p>22 Q. You put the answers there. One of the issues you will</p> <p>23 see about halfway down the page is, "Why did A474 not</p> <p>24 complain until 5 days later?", and it notes that she was</p> <p>25 incredibly frightened about disclosing and was worried</p> <p style="text-align: center;">Page 27</p>	<p>1 about whether disclosing would mean she would have to go</p> <p>2 back and live with her mum. Ms Matthews, those echo the</p> <p>3 barriers to disclosure that complainants have told the</p> <p>4 inquiry.</p> <p>5 When making a prosecution decision, would you take</p> <p>6 into account whether a decision not to prosecute might</p> <p>7 erect a further barrier to that child, or can that not</p> <p>8 be a factor for you?</p> <p>9 A. The only two factors -- or the only two criteria I can</p> <p>10 consider are, is there a realistic prospect of</p> <p>11 conviction and is it in the public interest to</p> <p>12 prosecute. In terms of not prosecuting, there may be</p> <p>13 safeguarding issues relating to both the complainant and</p> <p>14 the suspect, but I can only make my decisions based on:</p> <p>15 is there a realistic prospect of conviction, and is it</p> <p>16 in the public interest?</p> <p>17 Q. At page 4 of that document, one of the things which is</p> <p>18 noted is that an ASHA meeting is planned for</p> <p>19 29 January 2013. That's the Assessment of Sexual Harm</p> <p>20 Arrangements Panel. The inquiry has heard some other</p> <p>21 evidence about these panels and how they grew.</p> <p>22 A. Yes.</p> <p>23 Q. Would you ever attend a panel --</p> <p>24 A. No.</p> <p>25 Q. -- as a Crown Prosecutor? No. Would anyone from the</p> <p style="text-align: center;">Page 28</p>

<p>1 CPS, to your knowledge?</p> <p>2 A. Not to my knowledge. They may have done, but, no,</p> <p>3 that's not something that we would do.</p> <p>4 Q. Page 5 at the top, under the heading "What would be the</p> <p>5 impact of a prosecution on each child involved?". This</p> <p>6 notes that you had not received information yet from</p> <p>7 social workers for either child or from the young</p> <p>8 offender team about what the impact of a prosecution on</p> <p>9 each child involved would be.</p> <p>10 A. Yes.</p> <p>11 Q. Did you come to the view that, despite not having</p> <p>12 received that information, you could still make</p> <p>13 a decision because you actually came to a view on the</p> <p>14 evidential test?</p> <p>15 A. That's absolutely correct. I came to a decision on the</p> <p>16 evidential test because a lot of what we have just</p> <p>17 talked about is more the public interest criteria.</p> <p>18 Q. I know this is a bit of a hypothetical, but had the</p> <p>19 evidential test been passed, and you were coming on to</p> <p>20 the public interest test, that heading which hasn't been</p> <p>21 answered yet, do you think that you would have waited to</p> <p>22 get those answers?</p> <p>23 A. Yes.</p> <p>24 Q. So those are crucial for the public interest test?</p> <p>25 A. Yes. May I just say at this point, it's not always easy</p> <p style="text-align: center;">Page 29</p>	<p>1 to get that information, in terms of joined-up services</p> <p>2 and communication. In my experience, we have to go back</p> <p>3 several times to try and get all the information, and it</p> <p>4 is just a question of improving communication between</p> <p>5 different agencies.</p> <p>6 Q. Do you have any thoughts on how that could be done?</p> <p>7 A. I think from this inquiry that perhaps is an action</p> <p>8 point, how we can actually improve communication between</p> <p>9 the different agencies, because I know for myself, but</p> <p>10 also for other prosecutors, that we don't always get all</p> <p>11 the information we want on the public interest side for</p> <p>12 youth offenders.</p> <p>13 It is just improving communication. So perhaps</p> <p>14 there needs to be a better structure in place to do</p> <p>15 that. I know it has improved, but I suspect there's</p> <p>16 further improvement required.</p> <p>17 Q. In general in these cases, is the way you would obtain</p> <p>18 that information by you asking the police and the police</p> <p>19 going to Social Services?</p> <p>20 A. Yes, we are not investigators, the police are</p> <p>21 investigators. They have to go out and get that</p> <p>22 information and bring it to us.</p> <p>23 Q. This is asking you to think a bit more broadly, but do</p> <p>24 you think it might be helpful in peer-on-peer cases for</p> <p>25 there to be some sort of multi-agency meeting including</p> <p style="text-align: center;">Page 30</p>
<p>1 yourself as Crown Prosecutors, or do you think that</p> <p>2 would be inappropriate for some reason?</p> <p>3 A. I'm not sure it would be helpful, in the sense that we</p> <p>4 have to make our decision on two strict criteria:</p> <p>5 realistic prospect of conviction; and public interest to</p> <p>6 proceed. I'm not sure there are time and resources for</p> <p>7 us to attend such meetings, but also, it is important</p> <p>8 that we make our decision based on those two strict</p> <p>9 criteria, without being influenced by factors that</p> <p>10 perhaps we shouldn't be considering. It is a difficult</p> <p>11 question to answer, but that's my immediate thought.</p> <p>12 Q. Thank you. Finally, on page 6 of this document, you</p> <p>13 come to the conclusion that there wasn't a realistic</p> <p>14 prospect of conviction, and we know that in this case</p> <p>15 from the documents it was because you weren't satisfied</p> <p>16 that it could be shown that the alleged perpetrator</p> <p>17 hadn't reasonably believed that the other child was</p> <p>18 consenting.</p> <p>19 A. Yes.</p> <p>20 Q. But you did in this document note that, despite your</p> <p>21 decision, you still had safeguarding concerns about the</p> <p>22 alleged perpetrator, because the conduct itself had</p> <p>23 taken place, it was just a question of what his mens rea</p> <p>24 was. So you suggested in this document that the alleged</p> <p>25 perpetrator receive education around social interaction</p> <p style="text-align: center;">Page 31</p>	<p>1 and understanding other people's viewpoints. At</p> <p>2 paragraph 41 of your statement, you say that, although</p> <p>3 the CPS is not specifically required to consider</p> <p>4 safeguarding, your view is that it's always helpful. Is</p> <p>5 this something that you have done on a large number of</p> <p>6 occasions, is it rare?</p> <p>7 A. I have done it on other occasions. I actually think we</p> <p>8 should consider safeguarding, as an organisation. If</p> <p>9 you are a teacher, if you are a Brownie and Guide</p> <p>10 leader, any other organisation, they think safeguarding,</p> <p>11 and I think we should too. It doesn't mean -- we have</p> <p>12 to go through those two questions first -- realistic</p> <p>13 prospect of conviction; and public interest -- but if it</p> <p>14 is apparent that there is a safeguarding issue, then</p> <p>15 I think we should point that out.</p> <p>16 Q. We talked about the reason for not prosecuting in this</p> <p>17 case was around consent issues and reasonable belief and</p> <p>18 consent. When dealing with harmful sexual behaviour</p> <p>19 cases, as opposed to cases in which there's an adult</p> <p>20 perpetrator and a child victim, does the approach to</p> <p>21 consent differ?</p> <p>22 A. Sorry, can you repeat that?</p> <p>23 Q. Sorry, when dealing with child-on-child cases, as</p> <p>24 opposed to adult/child cases, does the approach to</p> <p>25 considering consent differ?</p> <p style="text-align: center;">Page 32</p>

<p>1 A. Well, the statute is the statute. There has to be lack 2 of consent, and then, from the suspect's point of view, 3 there has to be reasonable belief and lack of consent. 4 It entirely depends on the facts of each case. I think 5 that's the best answer I can give to that.</p> <p>6 Q. Coming on to more recent cases, you mention in your 7 statement that you were appointed in 2017 as the 8 reviewing lawyer for Operation Equinox, and you also 9 took on one outstanding case from Operation Daybreak.</p> <p>10 A. Yes.</p> <p>11 Q. You set out your role as a reviewing lawyer from 12 paragraph 18 of your statement. The inquiry heard 13 yesterday from Sam Shallow, who was the reviewing lawyer 14 for Daybreak between 2011 and 2014. Can you assist us 15 a bit with what your role as reviewing lawyer involves 16 today?</p> <p>17 A. I meet reasonably regularly with the Operation Equinox 18 team to find out what cases we have and what cases will 19 be coming my way, and we agree targets and what we are 20 going to discuss. I will also go and see the police on 21 individual cases, and certainly, when I started 22 Operation Equinox, there was suddenly quite a lot of 23 cases coming through for pre-charge advice, and so 24 I went up to Mansfield almost fortnightly for a while, 25 just sitting there doing the advices with the police</p> <p style="text-align: center;">Page 33</p>	<p>1 officers available in the background if I needed to 2 speak to them, and that was really, really helpful.</p> <p>3 So I try to meet regularly, I try to do quite a lot 4 of face-to-face meetings. I will also sit in the office 5 and prepare some of the advices. A pre-charge advice 6 will come to me. It is usually very well researched. 7 Despite that, I inevitably always send a shopping list 8 back for further enquiries and, ultimately, I will make 9 that charging decision, whether it is to refuse charge 10 or to charge, but then we will still meet as we case 11 build, the police will bring the case to me to prepare 12 for service, I will involve prosecuting counsel. We are 13 very lucky to have dedicated counsel, Mrs Herbert, to 14 assist. She's also assisted with some of the more 15 complex pre-charge advices. But we are a team, really. 16 We all have our roles, we are all independent of each 17 other. But we work together. And, I have to say, it's 18 been a privilege and pleasure to work with that team.</p> <p>19 Q. Just to understand a little bit more, and you might not 20 be able to offer a view on this, but the inquiry has 21 seen the evolution of cases through Operation Daybreak 22 to Operation Xeres to Operation Equinox, and one thing 23 that people have noticed is that there have been a lot 24 more prosecutions in the last couple of years: do you 25 think that there is an overarching approach to how risky</p> <p style="text-align: center;">Page 34</p>
<p>1 you want decisions to prosecute to be, or do you think 2 it is simply each case on its facts?</p> <p>3 A. Every case has to be decided on its facts. However, 4 I would also say that we have to understand what it was 5 like for those children in those institutions. They may 6 have been put into care because they were badly behaved 7 themselves -- committing crime -- but that doesn't mean 8 they are not telling the truth about being abused, and, 9 in fact, it might be an obvious reason why they were 10 targeted, because perhaps it was felt that they would 11 never be believed. So we have to get right underneath 12 those institutions and try and understand what has 13 happened.</p> <p>14 Q. If I can ask it a bit more crudely: has there ever 15 been -- because we know that a number of these cases are 16 finely balanced, and that's certainly the analysis.</p> <p>17 A. Yes.</p> <p>18 Q. Has there ever been a suggestion about whether you 19 should proceed with finely balanced cases or not proceed 20 with them as a whole?</p> <p>21 A. Well, every case has to be judged differently. Every 22 case is different. I go back to the criteria I have to 23 apply, which is: realistic prospect of conviction; and 24 public interest to proceed. Every case is different. 25 And I look at every case individually.</p> <p style="text-align: center;">Page 35</p>	<p>1 Q. So there is no overall policy about how you should 2 approach these cases --</p> <p>3 A. No --</p> <p>4 Q. -- other than the code?</p> <p>5 A. -- because evidence is evidence.</p> <p>6 Q. Roughly, Ms Matthews, how much of your time is spent on 7 Operation Equinox at the moment?</p> <p>8 A. Probably about a fifth of my time.</p> <p>9 Q. One case I want to ask you about is the case of F80. 10 This is a case you dealt with in 2017. It is a case 11 regarding alleged abuse in foster care. You deal with 12 it in your statement from paragraphs 44 to 46.</p> <p>13 Just to summarise, you were the reviewing lawyer on 14 this case and advised on the matter pre charge, and, in 15 summary, for the benefit of the panel and for the 16 public, this was a case in which A104 gave an interview 17 to the police in which he made allegations of sexual 18 abuse against his former foster mother, F80, and against 19 others. He alleged that F80 had oral and vaginal sex 20 with him on five to six occasions whilst her husband was 21 out. The child, A104, was aged around 14 at the time 22 and said that it was not something he wanted to happen 23 but he went along with the advances.</p> <p>24 Just to check with you, would the reason that this 25 case came to you be that the child also made allegations</p> <p style="text-align: center;">Page 36</p>

<p>1 about residential care? 2 A. That's correct, yes. 3 Q. If there is a case in which somebody solely makes 4 allegations of sexual abuse in foster care, would I be 5 right in thinking that that doesn't necessarily go to 6 Operation Equinox? 7 A. No, my understanding is that Operation Equinox is 8 primarily the institutions. Though I have to say, 9 because of that, though, we have had a lot of other 10 cases. 11 Q. The initial advice that you gave and the case action 12 plan which you gave in April 2017, which we don't need 13 to go to, you noted at that time that there were 14 a number of inquiries still outstanding and were awaited 15 prior to a final charging decision, and, actually, we 16 should go to it, tab 6, NTP001158. If we can go to 17 page 2 of that, please. Just under the conclusion, you 18 say that there are further enquiries to be completed, 19 but you say: 20 "At the moment, despite the obvious problems, this 21 is likely to be charged." 22 A. Yes. 23 Q. If we can then go to tab 7, NTP001159, this 24 is July 2017, so about three months later. On page 2, 25 you refer to "Further information" under number 10, you</p> <p style="text-align: center;">Page 37</p>	<p>1 will see, that had been received, and that includes that 2 F80's marriage had broken down due to her -- there was 3 some information that her marriage had broken down due 4 to an affair with a younger man, and there was some 5 confusion as to whether that man was 17 or 18 or in his 6 early 20s. And then there are some other matters that 7 are raised. 8 If we can go to page 3, you set out at that stage 9 the strengths and weaknesses of the case. We don't need 10 to go to all of those points, but under "Conclusion", 11 you start by saying: 12 "The evidence relating to F80 is weak. There is 13 a lot of conflicting evidence which ... may create doubt 14 in the minds of the jury." 15 Then you say: 16 "The other concern is how this impacts on the Bamkin 17 case, which has already been charged." 18 Just to clarify, we know that that's the case in 19 which Myriam Bamkin, a former residential social worker 20 at Amberdale, was charged and convicted in relation to 21 sexual abuse in the late 1980s. 22 Do you think, on reflection, it is appropriate to 23 take into account, when you are deciding on prosecuting 24 one case, how that might affect another case? 25 A. Yes. This was a difficult case, because the complainant</p> <p style="text-align: center;">Page 38</p>
<p>1 had made more than one allegation. Most of his 2 allegations concentrated on the institutional abuse, but 3 he had also made this allegation. I have to look at 4 each allegation on its own merits, and that is what 5 I did with this case, and it was a difficult decision, 6 but concluded -- and this was supported by prosecuting 7 counsel -- that there wasn't a realistic prospect of 8 conviction because there was some conflicting evidence. 9 I was concerned about whether that would affect the 10 complainant's reliability in relation to the allegation, 11 and that's why I looked at that other allegation again, 12 to make sure that that was safe on its own merits. 13 So you do have to cross-check between the different 14 cases. I actually think that's a fairly obvious check 15 and balance that I needed to make. But each allegation 16 you have to look at individually and check the evidence 17 for that specific allegation. 18 Q. You go on to say in this paragraph: 19 "The F80 investigation would have been disclosed as 20 it reveals potentially inconsistent evidence ..." 21 A. Yes. 22 Q. When you say "would have to be disclosed", does what you 23 have to disclose depend on your decision about 24 prosecution? 25 A. Well, my role, in terms of disclosure, is to disclose to</p> <p style="text-align: center;">Page 39</p>	<p>1 the defence anything that I consider is undermining of 2 the prosecution case or is of assistance to the defence 3 case, and in relation to the other allegation, if I am 4 aware of another allegation where there has been 5 conflicting evidence, then it's something that, yes, 6 I should disclose, obviously in highly redacted, edited 7 format, because it is something they should be made 8 aware of. 9 Q. But when it says "would have to be disclosed", 10 presumably it would have to be disclosed regardless of 11 whether you prosecuted this case or not? 12 A. In relation to other allegations on Operation Equinox, 13 we do -- we do -- in terms of disclosure, it is our duty 14 to disclose if there has been another allegation that 15 hasn't been proceeded with if we consider that is 16 undermining of the other case. I don't know whether 17 I have answered that helpfully for you. 18 Q. For example, in this case, you decided not to prosecute 19 the case against F80. 20 A. Yes. 21 Q. Do you know, did you still disclose those allegations in 22 the Bamkin case? 23 A. I wouldn't have disclosed the name or that much of 24 the detail, but I would have disclosed the fact of 25 another allegation, this allegation, and the fact that</p> <p style="text-align: center;">Page 40</p>

<p>1 it wasn't proceeded with. It's ensuring that we 2 discharge our disclosure obligations appropriately and 3 correctly. 4 Q. You conclude at the end of this document that prior to 5 making a final decision, the matter should be referred 6 to counsel. 7 A. Yes. 8 Q. If we can go to paragraph 45 of your statement, please, 9 you refer to some of the factors which undermined A104's 10 allegations in this case. 11 A. Yes. 12 Q. One of the things you say is that the social care files 13 had indicated that the child was happy with the foster 14 parents and was keen to stay there. 15 When looking at records like that, do you take into 16 account the possibility that they might be unreliable as 17 an indicator of how the child was actually feeling? 18 A. In terms of social care records, records is what they 19 are. You are dependent on the writer writing them 20 accurately. So that is the status that they have. They 21 are not absolute evidence of fact of what is actually 22 happening. It is simply a record written by a social 23 worker or other official of what has been happening to 24 that child. 25 So I do take it in that -- at that level. It is not</p> <p style="text-align: center;">Page 41</p>	<p>1 an ultimate proof of a fact one way or the other. 2 Q. What I was going to say is, a number of complainants to 3 this inquiry, and I'm sure in cases which you have dealt 4 with, have suggested that records were inaccurate, 5 either that things weren't written down or wrong things 6 were written down. Is there a scepticism, therefore, 7 when you are considering the records? 8 A. I am wary of records, yes. As I have already said, all 9 they are is a record of what that writer has chosen to 10 put down. I also think that now social workers, other 11 officials, are more careful of what notes they take. 12 Q. When you say "more careful", do you mean more careful 13 not to write things which might be problematic, or do 14 you mean more careful to -- 15 A. No, I think to ensure their accuracy. 16 Q. If we can turn, Ms Matthews, to tab 13, CPS003374, this 17 is a pre-charge advice that was written on the case. 18 I know this wasn't written by you? 19 A. Which tab is this, please? 20 Q. Sorry, tab 13, please. 21 A. Yes. 22 Q. I appreciate this wasn't written by you. This was 23 written by counsel. 24 A. Yes. 25 Q. But checking the way this works, you get advice from</p> <p style="text-align: center;">Page 42</p>
<p>1 counsel, you take that into consideration and then it is 2 your decision? 3 A. Correct, yes. 4 Q. I want to ask you about a few of the things in this 5 advice. If we can turn to paragraph 18 of the advice, 6 which is on page 4, earlier in the advice it talks about 7 F80, the suspect, and then it says: 8 "On the other hand, there is A104, a man who has 9 numerous previous convictions and a very troubled 10 background, with issues relating to his mental 11 health ..." 12 Do you think that the "troubled background, with 13 issues relating to his mental health", should be 14 a relevant consideration without going behind the reason 15 for that? 16 A. There are times when a mental health issue may impact on 17 reliability. But, that said, it's often symptomatic of 18 trauma that that person has experienced. So I am 19 actually very careful how I assess and understand 20 references to mental health. Indeed, many of 21 the complainants who have been in these institutions may 22 have had mental health issues as a result of what they 23 have experienced or during their time in institutions. 24 So I think we have to be very careful how we understand 25 that.</p> <p style="text-align: center;">Page 43</p>	<p>1 Q. On a broader point on the mental health issue, there is 2 a number of cases, which you haven't necessarily been 3 involved in, in which complainants make allegations and 4 the decision is taken not to prosecute partly because 5 they have such severe mental health problems that it's 6 said to affect their reliability or their credibility in 7 court. 8 Without going behind that, presumably you would 9 recognise that that poses a real problem for 10 a complainant that does have mental health problems, 11 because they might think, "Well, how can I achieve 12 justice"? 13 A. I think the trouble with mental health is, well, what is 14 it? It is a vast array of conditions and problems. I'm 15 not frightened of a complainant who has mental health 16 issues. We shouldn't be. But there are some specific 17 conditions where it might create a problem with 18 reliability, but we shouldn't be frightened of 19 a complainant who has got various mental health issues. 20 You know, it -- that might be why they have been 21 targeted. They might have those issues because of 22 the trauma they have experienced. We shouldn't be 23 frightened of that. 24 Q. I have already referred to the fact that here it talks 25 about A104's troubled background and previous</p> <p style="text-align: center;">Page 44</p>

<p>1 convictions. It doesn't, in this advice, talk about 2 what might be the reason for that troubled background 3 and what might be the reason for those previous 4 convictions. 5 A. No. 6 Q. You have said previously that you would always only look 7 at a child's behaviour in the context of whether it 8 could be explained or not. 9 A. Yes. 10 Q. Do you think that it is wrong to consider previous 11 background as a factor alone, without that explanation? 12 A. I think you simply have to understand the background. 13 My concern with a lot of the complainants you will be 14 dealing with in this inquiry is that they possibly were 15 targeted because of their troubled background, and 16 because perhaps the perpetrator would think that no-one 17 would believe them if they spoke up. I think you 18 sometimes have to turn the situation on its head and 19 say, "Actually, why is that perpetrator going for that 20 particular individual?" 21 Q. Do you think that was done here? 22 A. I'm just trying to ... I can't -- I can't comment. 23 I think that's just a general comment I would make. 24 Q. We have talked about troubled background and we have 25 talked about mental health problems. Some of</p> <p style="text-align: center;">Page 45</p>	<p>1 the complainants to this inquiry have also said that one 2 of the factors that affected prosecution decisions in 3 their cases was their history of drug and alcohol abuse, 4 which, again, the CPS guidance sets out could arise as 5 a result of the abuse or could have been a factor in the 6 abuse itself. 7 A. Yes. 8 Q. Are there any steps taken by the CPS to try and overcome 9 this as an issue when prosecuting? 10 A. I think if you have a witness who is drug dependent at 11 the time of giving their evidence or doing their video 12 testimony, it may well affect their accuracy, their 13 reliability, their ability to recall. So factually, 14 that's how it can impact on the evidence. It doesn't 15 mean that we won't prosecute a case, if a complainant is 16 a drug addict, for example, but we have to be aware of 17 the impact that can have on the evidence. But, again, 18 I repeat, we shouldn't be frightened of whatever 19 condition a complainant is in. 20 Q. If we could have that page back up on the screen, 21 another thing that's mentioned at paragraph 18 is that 22 the complainant had made a number of allegations, as yet 23 unproven, against several individuals. Given that there 24 was nothing from the documents in this advice to suggest 25 that the allegations against others were untrue, and</p> <p style="text-align: center;">Page 46</p>
<p>1 given that in fact his allegations against Myriam Bamkin 2 at this time were already due to be tried and were 3 eventually upheld, do you think that him having made 4 a number of allegations is a proper undermining factor? 5 A. No. It's undermining if he's proven to have lied. 6 Q. So at this stage you think that's an irrelevant factor? 7 A. Again, it's part of the background, isn't it, but, 8 really, unless he's proven to have lied, that's not 9 necessarily a relevant factor. 10 Q. If we can turn over the page, please, to paragraph 22, 11 where it notes: 12 "This is, as my instructing solicitor noted, 13 a finely balanced case. It is not an easy case, and 14 will not be an easy case in which to obtain 15 a conviction. The jury will find it very hard, I think, 16 to convict a woman in her late 60s of offences of this 17 nature, from over 30 years ago. Although I feel that 18 the complaint is credible, there will be plenty of room 19 for the defence to attack the complainant's credibility, 20 given his antecedent history. There are still 21 prejudices about whether a 14-year-old boy is a 'victim' 22 of an older woman in the same way as when the positions 23 are reversed, even should the jury believe the 24 allegations to be true." 25 Ms Matthews, we can see from the CPS Code and the</p> <p style="text-align: center;">Page 47</p>	<p>1 CPS guidance that the test which you are required to 2 take into account is that of an objective and impartial 3 and reasonable jury, and one that is wholly unaffected 4 by myths. Is this not one of those myths that has been 5 taken into account? 6 A. Yes, and my recollection of this case is, that's not why 7 I refused charge. It was evidential factors, not least, 8 I believe, the daughter of the suspect went to bed 9 around the same time and couldn't see how these 10 incidents could have happened. He was happy at the 11 placement, seemingly, for most of the time. He actually 12 said that he lost his virginity in respect of a later 13 allegation of something that occurred in a home, so he 14 got that fact wrong as well. So there were evidential 15 factors. 16 So, yes, I noted that paragraph, but those would not 17 be reasons why I wouldn't charge. 18 Q. In fact, given that the same facts likely applied to the 19 Myriam Bamkin case in which she was convicted -- 20 A. Exactly. 21 Q. -- presumably that suggests that this simply shouldn't 22 be in an advice on charge? 23 A. No, I agree. I can see why there are concerns about how 24 that might impact on the jury, but that should not 25 feature in our thinking, no, I agree.</p> <p style="text-align: center;">Page 48</p>

<p>1 Q. I am going to move on to another case, Ms Matthews, the 2 case of F61, which you deal with at paragraphs 50 to 51 3 of your statement.</p> <p>4 A. Which tab is this, please?</p> <p>5 Q. It's tabs 14 and 15. Again, I will summarise the case. 6 This was an allegation of sexual abuse against a former 7 member of staff at Beechwood/Woodborough Road in 2005, 8 so right at the end of its life span, until its closure 9 in 2006. The allegation was from a former resident, 10 A67, or L29 as he's known, and he alleged that a male 11 member of staff at that time used to touch him sexually 12 and force him to perform oral sex. You came to the 13 conclusion in this case, Ms Matthews, that the case was 14 weak for a number of reasons, including problems with 15 the identification of the alleged perpetrator, 16 inconsistencies in account as to the abuse itself and to 17 the location of that abuse.</p> <p>18 One of the factors which you note as relevant, and 19 you deal with this in your statement, is that the 20 complainant had alleged that he tried to disclose the 21 abuse to his social worker, but she didn't believe him, 22 and the social worker, when interviewed by the police, 23 said that this hadn't happened and there hadn't been any 24 disclosure.</p> <p>25 When considering this piece of evidence, which</p> <p style="text-align: center;">Page 49</p>	<p>1 people may see as quite a crucial piece of evidence as 2 to whether there was any contemporaneous disclosure, 3 would you take into account that the social worker's 4 evidence on this might be one of self-interest?</p> <p>5 A. We do try to understand the environment at the time that 6 this abuse was taking place, and why a social worker may 7 say that somebody hasn't disclosed to them. It may be 8 because honestly they can't remember, because there 9 would be hundreds of children going through those 10 institutions. It may be self-interest, it may be that 11 they didn't disclose. It could be any one of those 12 three. But we do try and understand what the atmosphere 13 must have been like at the time, particularly if there 14 were certain perpetrators that were very influential in 15 those institutions. But I have to say, that might not 16 be the only reason; it may well be that it didn't happen 17 or they can't remember.</p> <p>18 Q. When you're considering issues like this, is it your 19 job, as a prosecutor and as the person deciding on 20 charge, simply to say that there is this conflict that 21 could be a problem if it was prosecuted --</p> <p>22 A. Yes.</p> <p>23 Q. -- rather than you having to actually make a decision as 24 to resolving that conflict of fact?</p> <p>25 A. In almost all cases, there will be some conflict in</p> <p style="text-align: center;">Page 50</p>
<p>1 evidence. It is a question of how substantial it really 2 is. That wouldn't be a reason not to prosecute in that 3 particular case. It was actually identification. And, 4 in fact, fundamentally, in every case -- in any case our 5 question, our first question, should always be: have we 6 actually got the identification correct, is this 7 actually the person we are talking about? That's the 8 first question to actually ask.</p> <p>9 Q. We don't need to go through the documents, but you then 10 reviewed the case a second time, when some further 11 information came forward, and you came to the same 12 conclusion, in October 2017. We note that you said you 13 got a second opinion in this case by discussing it with 14 Ann McCarroll, because I think the CPS guidance is, 15 where there is an allegation of rape, you have to get 16 a second opinion?</p> <p>17 A. Yes.</p> <p>18 Q. What does that involve, is it just you chatting with 19 her, is it that she has the file, that she has the 20 advice?</p> <p>21 A. The lawyer giving the second opinion wouldn't read the 22 whole file. The reality is, there isn't the time to do 23 that. You will talk about the case with them, and 24 sometimes they would actually read the advices as well. 25 So it's -- you do your best to impart the correct</p> <p style="text-align: center;">Page 51</p>	<p>1 information for them to make an opinion.</p> <p>2 Q. Can it be a relatively informal process --</p> <p>3 A. Yes, it can be.</p> <p>4 Q. -- of a conversation?</p> <p>5 A. Yes, it can be. But it is a second check mechanism, 6 really. I know that we no longer have to seek a second 7 opinion, but personally I find that very valuable.</p> <p>8 Q. So in rape cases today, there is no longer a requirement 9 to seek a second opinion?</p> <p>10 A. No, but I actually think it is still a helpful exercise 11 to undertake.</p> <p>12 Q. Is it a role that you have carried out, as the second 13 opinion giver, as well?</p> <p>14 A. Yes, I have.</p> <p>15 Q. This may be difficult to remember, but have there been 16 any cases in which you have been either the first 17 opinion or the second opinion where there has been 18 a disagreement?</p> <p>19 A. I think it is more a question of the person giving the 20 second opinion, either myself or the other person has 21 sent each of us away to actually find out more 22 information, to make us rethink a position. Most of 23 the time, in all honesty, yes, they do agree, because we 24 have very carefully gone through the case already.</p> <p>25 Q. If I can go to one final case with you, Ms Matthews,</p> <p style="text-align: center;">Page 52</p>

<p>1 that's the decision made in relation to F77. It's at 2 paragraphs 52 to 55 of your statement, and it is at 3 tab 17 of the bundle. Just to summarise, again, and the 4 inquiry has heard about this case last week and this 5 week, but this is about F77. He was convicted in 2014 6 following allegations that came forward in 2012 of 7 sexual abuse and then someone else came forward, A302, 8 in 2016/2017, and alleged that she'd also been sexually 9 abused by F77 when she was a child, not in his foster 10 care but in foster care with another family.</p> <p>11 If we can go to tab 17, CPS003412_005, please, and 12 if I can summarise the reasons given for not prosecuting 13 in this case, and then you can tell me if I have got 14 anything wrong. One factor was that A302 had been shown 15 to have lied on a number of occasions, both as a child 16 and recently, and you say that these lies undermine her 17 reliability. A second factor is that A302 was 18 a troubled and unstable individual, and you note that, 19 although this may be as a result of trauma she 20 experienced in the past, it added to her instability as 21 a witness. You say that although it was possible that 22 A302 was left alone with F77, those occasions were 23 perhaps more limited than A302 had suggested.</p> <p>24 Then a factor which I want to explore with you is 25 the point that A302 was interviewed at the time of</p> <p style="text-align: center;">Page 53</p>	<p>1 the first prosecution of F77 and she did not disclose 2 the abuse at that time, when she had the opportunity to 3 do so. You deal with this in your statement, 4 Ms Matthews, and you say that this would not in itself 5 be a reason not to prosecute, but would be one matter 6 which the defence might use in a case to undermine the 7 credibility.</p> <p>8 A302 said when she came forward that the reason she 9 didn't disclose initially was that she had just had 10 a newborn baby and didn't feel like it was right. Why 11 might that undermine her credibility, can you explain to 12 us?</p> <p>13 A. In terms of not disclosing at the time -- 14 Q. Sorry to interrupt, it is not not disclosing at the time 15 of the abuse, it is not disclosing at the time of 16 the first prosecution.</p> <p>17 A. Yes. I wouldn't normally refuse charge just because 18 somebody hasn't disclosed previously. It is a factor, 19 it is part of the background, it is part of the sequence 20 of events to consider. The only difficulty with that 21 is, if it was -- if the complainant was in an 22 environment where she was being encouraged to disclose, 23 others were disclosing, and she didn't, the question is, 24 why didn't she at that point? If there was a climate of 25 acceptance and encouragement. But, to be honest, no, it</p> <p style="text-align: center;">Page 54</p>
<p>1 is not a factor necessarily that I -- would cause me to 2 refuse charge.</p> <p>3 Again, going back to children, it's an absolutely 4 massive thing to disclose abuse, and the consequence of 5 disclosure can be that you lose your home, that you 6 might not be believed and treated badly, and, you know, 7 you're a child, it's a massive thing to say, which is 8 why we have to be very careful about judging anyone that 9 doesn't disclose at the time or at the time of 10 a previous investigation.</p> <p>11 Q. Is it fair, from the factors that I have just 12 summarised, that the fundamental problems with this case 13 were with the complainant and her credibility --</p> <p>14 A. Yes.</p> <p>15 Q. -- itself, rather than the allegations themselves?</p> <p>16 A. Yes.</p> <p>17 Q. A very broad question, which I am hoping you can assist 18 with, is, the inquiry over the last couple of weeks has 19 received evidence of the large scale and large number of 20 those who allege abuse whilst they were in care, and 21 although there have been a spate of prosecutions in the 22 last couple of years, many complainants still feel, and 23 have expressed in evidence, that there has still not 24 been -- there's been relatively few alleged abusers 25 charged. Do you have any view, as a whole, as to why</p> <p style="text-align: center;">Page 55</p>	<p>1 that might be?</p> <p>2 A. All I can say is that we have to look at every case 3 individually, and I go back to what I have reiterated 4 before: I am guided by the criteria in decision making: 5 is there a realistic prospect of conviction; and is it 6 in the public interest to proceed? Usually, in terms of 7 sexual abuse, it would be in the public interest to 8 proceed; it is more the evidence. I don't decide, has 9 the abuse happened or hasn't it; it's, is there 10 a realistic prospect of conviction? And they are two 11 different things.</p> <p>12 I can only make my decision based on the evidence 13 I am given and what I have, and they are hard decisions 14 and they are decisions we have to make, but that's how 15 I have to make those decisions.</p> <p>16 MR LIVINGSTON: That's all the questions I have for you, 17 Ms Matthews. The panel may have one or two questions 18 for you.</p> <p>19 THE CHAIR: Thank you, Ms Matthews, thank you, 20 Mr Livingston, Ms Sharpling has some questions.</p> <p>21 Questions by THE PANEL</p> <p>22 MS SHARPLING: Thank you, Ms Matthews, just a couple of 23 questions. I want to deal with your personal experience 24 as a set of questions, but some more general questions 25 about the CPS.</p> <p style="text-align: center;">Page 56</p>

<p>1 Can I start by asking, what's your experience of 2 the trial process in relation to child sexual abuse 3 cases, and the extent the defence uses inconsistent 4 accounts in the course of that trial and the impact of 5 that evidence?</p> <p>6 A. In terms of trials, I think -- this is an area that has 7 massively improved from 30 years ago. Children can now 8 give evidence on video or adult survivors can give 9 evidence on video. Juries are warned about myths and 10 stereotypes. There is much greater understanding from 11 the judiciary. In my opinion, this is an area which has 12 improved considerably over the years.</p> <p>13 In terms of inconsistencies, those can be put by the 14 defence, but when the judge is summing up, he will put 15 any such inconsistency into context and in summary.</p> <p>16 It's difficult for me to say more. I have only 17 prosecuted two such cases myself in the Crown Court, and 18 we don't often get the opportunity to watch the whole of 19 the trial ourselves. But such inconsistencies will be 20 put, yes.</p> <p>21 MS SHARPLING: The second part of that question relates to 22 distinguishing a difficult case from a weak case --</p> <p>23 A. Yes.</p> <p>24 MS SHARPLING: -- which I think, in a previous edition of 25 the Code of Crown Prosecutors -- I may be mistaken --</p> <p style="text-align: center;">Page 57</p>	<p>1 featured in some shape or form. I was wondering, given 2 the criminal justice system culture, which has changed 3 over the years, do you think that Crown Prosecutors now 4 can distinguish between the difficult and weak case, 5 particularly in child sexual abuse cases where 6 inconsistency may be something that is a natural 7 manifestation of the child's abuse?</p> <p>8 A. I think, as an organisation, we have considerably 9 improved in this area, and certainly in the last few 10 years there was some emphasis in training on not being 11 frightened of inconsistencies in statements. It depends 12 on how substantial and deep rooted those inconsistencies 13 are, but certainly we have been encouraged not to be too 14 concerned. Because, as I stated previously, you will 15 always expect some inconsistency in evidence. It 16 depends on how deep rooted it is.</p> <p>17 In terms of weak and difficult cases, we have been 18 encouraged to not be frightened of difficult cases. 19 An example of that is overturning previous decisions. 20 If it is the right thing to do, we should do it; we 21 should not be frightened of it. We shouldn't be 22 frightened either of masses of swathes of social care 23 evidence, and actually almost see it as our friend. 24 Because, as I said earlier, it can actually come to be 25 used in evidence as well.</p> <p style="text-align: center;">Page 58</p>
<p>1 So I think we are learning. I think we can still 2 improve. But we need to be brave and prosecute 3 difficult cases, yes, and with good results.</p> <p>4 MS SHARPLING: You may not know this, and do say so if you 5 don't: does the CPS collect data on the outcome of 6 prosecutions in relation to child sexual abuse? If so, 7 do you know if you have access to that data?</p> <p>8 A. I don't personally have access to that data. I know 9 that there are statistics for rape cases: I think there 10 are for child victims. I can't honestly say. It is not 11 an area that I personally will deal with.</p> <p>12 MS SHARPLING: Perhaps that's something we can come back to 13 later with another witness.</p> <p>14 A. Yes.</p> <p>15 MS SHARPLING: Do you think that Crown Prosecutors ought to 16 be in a position to interview witnesses prior to trial.</p> <p>17 A. Do you mean pre-trial witness interviews?</p> <p>18 MS SHARPLING: I do.</p> <p>19 A. It's rarely used, isn't it? I'm sure that that's been 20 your experience during this inquiry.</p> <p>21 MS SHARPLING: The question is, do you think it would be 22 a good idea to deal with some of the things that you 23 have spoken about in your evidence?</p> <p>24 A. I think where you don't feel you have got to the bottom 25 of a case and you feel that there may be questions or</p> <p style="text-align: center;">Page 59</p>	<p>1 certain issues that you need to prove, there is a place 2 for it. The problem with the prosecutor doing the 3 interviewing is that it is not evidence. It becomes 4 unused material. It's only when the police have taken 5 the video interview that it becomes evidence. So that's 6 always the difficulty in doing pre-trial witness 7 interviews. But I have actually personally conducted -- 8 it is either two or three in my time, not necessarily to 9 do with child abuse, but on each occasion, it's either 10 absolutely confirmed that the case shouldn't be 11 proceeded with or actually it's surprised me and 12 actually altered our opinion.</p> <p>13 So there is certainly a place for it, yes.</p> <p>14 MS SHARPLING: Thank you. That's all I have to ask.</p> <p>15 THE CHAIR: Mr Frank?</p> <p>16 MR FRANK: Firstly, you have already told us that even when 17 a decision is made not to prosecute, you, nevertheless, 18 go on to consider whether there are safeguarding issues 19 in relation to the child.</p> <p>20 A. Yes.</p> <p>21 MR FRANK: Because, you say, it's part of your 22 responsibility, or should be. Can I just ask you, has 23 it ever been suggested to you that it ought not to be 24 part of your responsibility, as it were; that it's 25 something quite separate?</p> <p style="text-align: center;">Page 60</p>

<p>1 A. No-one has ever told me not to do it. It is not 2 something that we are required to do. 3 MR FRANK: No. 4 A. But I see it as something that I should do when it is 5 fairly obvious that that consideration ought to be 6 considered, especially when it is a young and 7 inexperienced officer, because the concern is, well, 8 what is going to happen now? I'm just using my 9 commonsense as a human being that there are times when 10 I think it is appropriate to raise it. 11 MR FRANK: Indeed. What I was going to follow on with was, 12 do you think it ought to be made a requirement that the 13 safeguarding aspect should be considered whether or not 14 there's a prosecution, as opposed to just your 15 commonsense? 16 A. This is my personal view and not necessarily the CPS 17 view: I think it should. I think safeguarding runs 18 through everything to do with children. 19 MR FRANK: Because safeguarding is the responsibility of us 20 all? 21 A. Yes, exactly. I'm not an expert, I don't know that 22 individual personally, but I think it should be part of 23 our thinking, yes. 24 MR FRANK: Thank you. The second question I want to ask you 25 is, in terms of dispelling potential myths, as it were.</p> <p style="text-align: center;">Page 61</p>	<p>1 One of the things you said in evidence -- I know you 2 said it in a context and I'm not criticising you for 3 this -- is some of the children who come into care were 4 themselves badly behaved. Of course we know most of the 5 children who go into care are not there because of 6 anything they have done wrong, but largely because of 7 what has been done wrong to them. 8 A. Absolutely. I was more saying that, that some of these 9 children may be there for that reason, and certainly in 10 some of the cases I have dealt with, they may be. But 11 no, of course, some of them, their parents have died or 12 they have been neglected or abused at home. There's all 13 sorts of reasons. 14 MR FRANK: All manner of reasons. 15 A. Absolutely. I agree entirely. 16 MR FRANK: Thank you very much. 17 THE CHAIR: Thank you. We have no further questions. Thank 18 you, Ms Matthews. 19 (The witness withdrew) 20 THE CHAIR: We will now take our break and return at 21 11.45 am. 22 (11.32 am) 23 (A short break) 24 (11.47 am) 25 MR LIVINGSTON: Good morning, chair. We now call</p> <p style="text-align: center;">Page 62</p>
<p>1 Rachel Morton to give evidence. 2 MS RACHEL MORTON (sworn) 3 Examination by MR LIVINGSTON 4 MR LIVINGSTON: You have provided a statement to the inquiry 5 which should be at tab 1 of your bundle. You might have 6 it in front of you. For the record, that's INQ002039. 7 Ms Morton, have you had a chance to read the statement 8 recently? 9 A. Yes. 10 Q. Are there any corrections you need to make to the 11 statement? 12 A. No. 13 Q. Just to reassure you, the panel have a copy of your 14 statement, and the full thing is going to be published 15 on the website, but I am not going to take you through 16 every line. 17 A. Okay. 18 Q. I am just going to direct you to specific topics. 19 Firstly, to summarise your professional background, 20 you're a qualified social worker and have worked in 21 social work since about 2009? 22 A. That's correct. 23 Q. Up to 2015, you worked within the county council's 24 assessment team? 25 A. That's correct.</p> <p style="text-align: center;">Page 63</p>	<p>1 Q. That's assessing children in the family home who may be 2 at risk; is that right? 3 A. That's correct. 4 Q. So when you talk at paragraph 5 about section 47 5 investigations, the context in which you are talking 6 about it there is children in the family home who may 7 need to be taken into care, depending on the outcome? 8 A. Yes, that's correct. 9 Q. You have been seconded to the council's historical abuse 10 team since June 2015; is that right? 11 A. That's correct. 12 Q. Were you seconded straight away or was it already in 13 existence when you were seconded to it? 14 A. I think it had started in January, and was staffed by 15 agency staff, and some of our social work practice 16 consultants, and they decided to make a permanent team, 17 so we applied for secondment positions, myself and two 18 colleagues. 19 Q. So initially it wasn't qualified social workers, and 20 then they decided to have qualified social workers? 21 A. Yes, there's always been qualified social workers 22 working in the team. 23 Q. Sorry. But, before, it was agency staff? 24 A. It was agency staff and some social work practice 25 consultants.</p> <p style="text-align: center;">Page 64</p>

<p>1 Q. Does that secondment mean you work in this team full 2 time at the moment?</p> <p>3 A. I did. I have subsequently left the team, 4 on September 7 of this year.</p> <p>5 Q. Can you assist with why you left, if it's relevant?</p> <p>6 A. It's not really relevant. It's just that it wasn't 7 clear how long the role would be seconded for and there 8 was an opportunity to practice in a field of social work 9 that I'm particularly interested in.</p> <p>10 Q. Does the team continue to exist, to the best of your 11 knowledge?</p> <p>12 A. To my knowledge, yes, it does.</p> <p>13 Q. So you worked there for about three years, just over 14 that?</p> <p>15 A. Yes.</p> <p>16 Q. What were the benefits of the historical abuse team, 17 working within Operation Equinox, to your mind?</p> <p>18 A. The fact I was able to support the police investigation 19 in terms of gathering records, helping to provide an 20 overview of childcare records, records from children's 21 homes. I think more pertinently, being able to offer 22 support to the complainants, and that was personalised, 23 and it would be wrong for me to say that the support 24 that we provided to each complainant was the same, 25 because it wasn't, and some complainants didn't want</p> <p style="text-align: center;">Page 65</p>	<p>1 social care support because of their experiences as 2 children, quite understandably. But for those that did 3 allow us to work with them again and put the trust back 4 in, we were able to personalise the service and support 5 we gave them to their needs, which I think is pertinent.</p> <p>6 Q. You may not be able to assist with this, but is there 7 a counterpart of yours in the city council?</p> <p>8 A. No, there isn't.</p> <p>9 Q. You say in your evidence that initially you would attend 10 weekly meetings with the police as part of that team 11 Operation Equinox or it may have been Xeres?</p> <p>12 A. It was Xeres when it started, the bit that I was -- yes.</p> <p>13 Q. Then you say that, since 2016, these briefings became 14 daily rather than weekly, and you were no longer 15 required to attend?</p> <p>16 A. Mmm.</p> <p>17 Q. Were you told why you were no longer required to attend?</p> <p>18 A. Not really. There was a change in police management, 19 and I -- you know, it was a subject that I raised with 20 my managers in March when the change -- because I felt 21 that being involved in those weekly briefings felt that 22 it was more of a joint process and an aligned process. 23 It felt that maybe not being required at the police 24 daily briefings would -- it sort of conveyed to the team 25 that we are not valued as part of that joint working.</p> <p style="text-align: center;">Page 66</p>
<p>1 It's something that I shared with my manager, and the 2 manager at that particular time, in March 2016, did 3 agree, and it was noted in my supervision records as 4 well.</p> <p>5 Q. You may not know this, but was the decision about you 6 not attending a council decision or was it a police 7 decision?</p> <p>8 A. A police decision -- to my knowledge, it was a police -- 9 because it was a change in police management, so the new 10 management of the police didn't -- wanted to move away 11 from the weekly briefings and move to the daily 12 briefings.</p> <p>13 Q. Is it right that your only direct contact with the 14 police after that would be during risk strategy 15 meetings?</p> <p>16 A. No, because we were co-located in an office together.</p> <p>17 Q. So you were physically --</p> <p>18 A. So physically we were sometimes at the police station, 19 so we would have physical contact, but in terms of 20 formal meetings, it would be the risk strategy meetings, 21 yes.</p> <p>22 Q. You say in your statement that under the initial 23 process, before Daybreak and Xeres merged to become 24 Equinox, in most cases complainants would contact the 25 police first. This would then be referred to the</p> <p style="text-align: center;">Page 67</p>	<p>1 Multi-Agency Safeguarding Hub, the MASH, and then it 2 would be referred on to your team.</p> <p>3 A. Yes.</p> <p>4 Q. If a complainant's first disclosure was as part of 5 a civil claim against the council, how would that reach 6 you?</p> <p>7 A. If it was simply -- I don't mean "simply", in terms 8 of ... a civil claim, we would possibly be asked to do 9 some of the research for our legal department in terms 10 of gathering the childcare file and records from the 11 children's homes, but if that complainant wasn't making 12 a complaint to the police, and/or asking for support 13 from social care, then I would simply be gathering 14 information for our legal team.</p> <p>15 Q. From paragraph 16 of your statement, you say that since 16 2016 there's been a new process, whereby your team are 17 only involved when the police submit an annex C form, 18 and you say this is usually after they have met the 19 complainant and undertaken interviews.</p> <p>20 A. Mmm.</p> <p>21 Q. You say you have or had some concerns about this. Can 22 you explain to us?</p> <p>23 A. Yes. So when the referrals used to come via the MASH, 24 which is Nottinghamshire social care, so the point of 25 referral, we would be involved right from the beginning.</p> <p style="text-align: center;">Page 68</p>

1 **So the complainant would be made aware of the aligned**
 2 **process between the police and social care, made aware**
 3 **of the support that we could offer, which sometimes was**
 4 **pertinent after video interviews. You know, for some**
 5 **complainants, when they gave video interviews, they**
 6 **relived the trauma that they experienced as children,**
 7 **and the support that we could possibly offer after**
 8 **that --**
 9 Q. Sorry to interrupt you, but essentially, is the problem
 10 that you wouldn't actually be at all involved at that
 11 stage?
 12 **A. Well, we were initially, but then, when the referral**
 13 **process changed, and it was after an annex C had been**
 14 **submitted, often the police had then begun their**
 15 **investigation, met the complainant, undertaken the video**
 16 **interviews. So, therefore, we would be meeting the**
 17 **complainant further down the line, which in part --**
 18 **often complainants have got very negative opinions of**
 19 **social care, because we have failed them as children, so**
 20 **arriving later I think didn't promote social care, that**
 21 **things had changed for them, but, furthermore, more**
 22 **pertinently, they weren't offered the support that we**
 23 **could have provided after those video interviews, and**
 24 **right at the beginning of the process.**
 25 Q. Were you concerned that there was a sort of gap in

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1 **A. I do, and joint working.**
 2 Q. Joint working. Are there any cases at the moment which
 3 come directly to you rather than through the police --
 4 sorry, I say "at the moment" --
 5 **A. Yes, I have subsequently left. If a complainant chose**
 6 **to contact social care first rather than the police,**
 7 **then, yes, obviously we would have known about them from**
 8 **the beginning.**
 9 Q. So although you're embedded within Operation Equinox,
 10 you're the historical abuse team, so even if the police
 11 weren't involved, for example, if the perpetrator was
 12 deceased, for example, they might come straight to you
 13 and it would still be your team dealing with the --
 14 **A. Yes, and also some complainants might not wish to pursue**
 15 **a criminal process but might want to share their**
 16 **experience and their account with social care for us to**
 17 **undertake safeguarding and offer support.**
 18 Q. You set out in your statement some of the specific
 19 things that you do, or did, in your role, including
 20 providing emotional support, responding to crisis
 21 situations. I want to ask you about a few of these.
 22 One of the things you refer to is researching files and
 23 producing chronologies. What files would you be
 24 researching, as in what access are you given?
 25 **A. If the children's social care file existed for the**

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1 support provision there?
 2 **A. I was. I was. And I raised that over a period of**
 3 **a year, between November '16 and November 2017 in the**
 4 **social care meetings to management and senior**
 5 **management, that I had concerns about that.**
 6 Q. What was their response to your concerns?
 7 **A. It was noted and I was always told it would be discussed**
 8 **at a strategic level.**
 9 Q. But nothing changed in that regard?
 10 **A. Not when I worked there, no.**
 11 Q. So as up until the date when you left, it was still the
 12 case that your team wouldn't be involved at the time at
 13 which, and just after which, a complainant gave a police
 14 interview?
 15 **A. No, not unless the particular officer had submitted the**
 16 **annex C early and maybe would ask for us to become**
 17 **involved.**
 18 Q. Did that sometimes happen?
 19 **A. It sometimes happened. It depended possibly how much**
 20 **value that officer put on the work that we could offer.**
 21 Q. Did you understand what the reason might be for your
 22 involvement coming later down the line?
 23 **A. No. It wasn't explained, no.**
 24 Q. Do you think that this more recent process undermined
 25 the concept of joint investigation?

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1 **complainant obviously when they were a child, we would**
 2 **gain a copy of that and produce a chronology from birth**
 3 **to 18, being mindful of their allegations and looking**
 4 **for, you know, supporting evidence in that file.**
 5 Q. Is the purpose of that to assist the complainant or is
 6 it to assist the council?
 7 **A. It's to assist the complainant's allegations. It's to**
 8 **try and find supporting evidence and to actually**
 9 **corroborate that they were at placement when they have**
 10 **said they were at placement and alleged perpetrators**
 11 **might have worked, you know, when they were at those**
 12 **children's homes.**
 13 Q. This might seem like a very pragmatic question, but when
 14 you are trying to get access to those files, is it that
 15 the case comes in to you and you send out a request for
 16 files or is it you physically going to try and get
 17 files?
 18 **A. No. We have a solutions for data team where files have**
 19 **been microfilmed and we also have a record management,**
 20 **which -- some files are still paper files. So you'd**
 21 **look to those two departments if they held a file and,**
 22 **if they did, they would tell you that they held a file**
 23 **and give you access to the complete file. There is**
 24 **never any issue about getting access.**
 25 Q. Do you feel that you have been able to provide a good

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<p>1 service to complainants when it comes to getting records 2 for them and producing chronologies? 3 A. For a complainant, if they want access to their records, 4 they'd have to make a subject access request to the 5 council, of which I would always make them aware they 6 are entitled to do that. However, the police would 7 often ask complainants, understandably, not to do it 8 until after the investigation because it might frustrate 9 an investigation in terms of defence, saying that 10 someone's read the records and their account is from 11 what they have read and not memory. But, in essence, 12 people were told they could access and make that 13 request. 14 Q. And that was their decision? 15 A. And that was their decision. Had they made that 16 request, they would then receive a copy of 17 the chronology and any work that we'd undertaken as the 18 historical abuse team, albeit it would be redacted of 19 third party information. 20 Q. When you're compiling that chronology, is that based 21 solely on the records that you have found, or is that 22 also based on any interview or evidence that the 23 complainant has given themselves? 24 A. It's based on the records. 25 Q. You say that you're responsible, or you were</p> <p style="text-align: center;">Page 73</p>	<p>1 responsible, for undertaking safeguarding work in 2 circumstances where the alleged perpetrator worked with 3 children and the complainant was provided with support. 4 Can you explain what that safeguarding work involved? 5 A. If someone is still alive and allegations of abuse have 6 been made against them, we need to undertake 7 safeguarding work to make sure that he wasn't currently 8 working with children or volunteering with children or 9 vulnerable adults and/or having contact with children 10 and grandchildren. It might be required to make 11 referrals into other social care teams to make people 12 aware, and families aware, that allegations have been 13 made against -- 14 Q. So you would be sort of collating that information and 15 you might be directing whether safeguarding work needs 16 to be done, but the actual work -- 17 A. I wouldn't undertake the safeguarding, because I was in 18 the historical abuse team, so it wasn't my role. 19 Q. A quick question that occurs to me that I should have 20 asked earlier, when we talk about the historical abuse 21 team, do you know what the parameters are? So if 22 somebody comes complaining of abuse in 2010 or 2005 23 or -- 24 A. Yes, and it is in our policy, the definition, and I'm 25 not going to be able to requote it word for word.</p> <p style="text-align: center;">Page 74</p>
<p>1 Q. That's okay. We can get it from the policy. 2 A. It was basically abuse that happened -- been reported as 3 an adult but happened in your childhood. 4 Q. You say at paragraph 18 that you make representations to 5 specialist services on behalf of complainants? 6 A. I did. 7 Q. What does that involve? 8 A. So I spoke earlier about support being personalised. 9 So, for example, accessing counselling, accessing mental 10 health teams, but that would have to be navigated by 11 GPs. Some complainants found it really difficult to 12 speak to professionals, to access appointments, to 13 navigate through services, which I can empathise with 14 because, as another professional, it is very difficult 15 and that is one of the barriers that complainants often 16 faced, and why they couldn't, you know, get the support 17 they needed and treatment they needed in some cases. 18 Q. One of the things you also say is that you would provide 19 emotional support. This might seem very obvious to you, 20 but does that mean anything beyond sort of talking to 21 them -- 22 A. No, it does mean I'm being there and someone that's 23 empathetic to what they are saying. I spoke earlier 24 about sometimes, when people give video interviews, that 25 they relive the trauma, something that they have</p> <p style="text-align: center;">Page 75</p>	<p>1 probably forgotten about or put to the back -- no, 2 "forgotten about" is the wrong term, put to the back of 3 their mind for 30/40 years, and to bring that to the 4 forefront can be extremely traumatic and upsetting. 5 Q. Do you know how long -- so a complainant makes an 6 allegation, and you would provide support from as soon 7 as you can. We know that these allegations are 8 investigated, sometimes there might be a police 9 investigation, sometimes there might be social care 10 alone, and at some point that will come to a conclusion, 11 there will be a decision about prosecution or there will 12 be a conviction or there will be a decision. At what 13 stage does your involvement stop? Is it at the end of 14 that decision or can it carry on? 15 A. It wouldn't be as clear as that. Again, it is -- for 16 some complainants, they seek support, then you might not 17 hear from them for six to eight -- but something then 18 would happen in their life and they would recontact you, 19 sometimes at the end of investigations, particularly -- 20 it would come to a natural end or you could re-direct 21 them to other support services that might be more 22 appropriate to continue. But then, in other cases -- 23 one of the complainants that's mentioned in my 24 statement, I continued to support after the CPS had said 25 they wouldn't be pursuing a prosecution.</p> <p style="text-align: center;">Page 76</p>

<p>1 Q. So sort of hypothetically, if someone -- if there's 2 a decision taken in 2014 and someone had come -- or 2015 3 and someone had come to you last year and said, "Look, 4 you know, you helped me then, can I still get some 5 help?"</p> <p>6 A. Hypothetically, possibly, yes, it might be -- it might 7 be more appropriate that what we do, or what we would 8 have done, is initially support them but then signpost 9 them to an agency that could support them on 10 a longer-term basis, or the right service.</p> <p>11 Q. You set out in your statement some of the training that 12 you have received, Ms Morton, including safeguarding 13 adults and children, assessing the risk of sexual abuse. 14 Is it right that this training isn't mandatory for your 15 role, it's something that you have decided to do?</p> <p>16 A. No, it wasn't mandatory. Any training that, you know, 17 supports your practice is always -- there's no issue for 18 management in accessing training.</p> <p>19 Q. Another thing that you say that you do in your role is 20 to ensure that people are aware of their rights, for 21 example, to make a civil claim. Is this your individual 22 attitude that you take, or is that a team policy?</p> <p>23 A. I can't really speak for my other two colleagues. 24 I felt that it was policy and we all advocated it. Part 25 of being a social worker is to advocate on behalf of</p> <p style="text-align: center;">Page 77</p>	<p>1 people, so to make them aware of their rights, and it's 2 not only to make someone aware, it's about how they 3 actually go on and facilitate that for themselves.</p> <p>4 Q. Was there any conflict either felt by you or exerted on 5 you in, on the one hand, you saying to people that, you 6 know, "This happened to you, you can make a claim 7 against the council if you wanted to", and, on the other 8 hand, you being employed by the council?</p> <p>9 A. No.</p> <p>10 Q. Do you also advise complainants on the possibility of 11 making criminal injuries compensation claims?</p> <p>12 A. No, that's not something that I advised on.</p> <p>13 Q. I want to come on, first of all, in a general sense to 14 dealing with some of the allegations and dealing with 15 the work that you do, which is at paragraphs 23 to 24 of 16 your statement. At paragraph 23, you say that the first 17 response to allegations of non-recent abuse, and we are 18 talking about foster carers here, who are alive is to 19 convene a multi-agency strategy meeting; is that right?</p> <p>20 A. That's right. Yes.</p> <p>21 Q. I'm not sure if you can help with this, because it may 22 be that you're not involved necessarily with 23 contemporaneous allegations, but do you know, is there 24 a different process in terms of receiving an allegation 25 of historical or non-recent abuse or receiving an</p> <p style="text-align: center;">Page 78</p>
<p>1 allegation of contemporaneous --</p> <p>2 A. We have our own policy in Nottinghamshire County Council 3 of historical abuse of which the strategy meeting 4 process is covered on that policy. In principle, there 5 are a lot of similarities with contemporary allegations, 6 yes.</p> <p>7 Q. You say that the purpose of these meetings is to make an 8 agreed plan to process the investigation. Would that 9 include the sort of thing you were talking about before 10 of identifying whether there's any potential risks posed 11 by the perpetrator?</p> <p>12 A. Exactly, yes, and if they are still employed -- in the 13 event, if they were still employed, yes.</p> <p>14 Q. You say at paragraph 24 of your statement that although 15 safeguarding is a priority, different agencies have 16 different priorities, and this can cause delays in 17 undertaking safeguarding checks. Now, you say that this 18 has caused you immense professional concern and you have 19 shared it with management. Can you expand on that, 20 please?</p> <p>21 A. Yes. So, for example, if an alleged perpetrator is 22 thought to have children, albeit possibly -- we know 23 they would be adult, because we can see from HR records, 24 we know they would be adults, but then you've got 25 grandchildren potentially there, so we need that</p> <p style="text-align: center;">Page 79</p>	<p>1 information to be able to undertake safeguarding. 2 Because if an alleged perpetrator of a number of sexual 3 abuse crimes is having contact with children, that needs 4 to be risk assessed.</p> <p>5 The police -- you don't want to frustrate a live 6 police investigation. However, you know, social care is 7 a lead agency in safeguarding. So there's some cases 8 that I worked on where there'd be a period of a year 9 before the police would speak to the alleged 10 perpetrator, in numerous cases, and I constantly 11 recorded my concerns, raised them in supervision and 12 raised them in management, because that wasn't 13 acceptable, that those safeguarding measures and 14 referrals were put in place.</p> <p>15 Q. Was that conflict one where the police were saying, 16 "This is the way we need to conduct an investigation 17 because, you know, if we go to the alleged perpetrator 18 earlier, it might frustrate the investigation", but, on 19 the other hand, you're saying, "As soon as we get these 20 allegations, there's a risk that we know about it and we 21 should do something about it"?</p> <p>22 A. Yes, it should be spoken to.</p> <p>23 Q. Can you help us with what you think, in your view, the 24 best way to resolve that tension is?</p> <p>25 A. Safeguarding is current and children should be</p> <p style="text-align: center;">Page 80</p>

<p>1 protected, shouldn't they?</p> <p>2 Q. Sorry to --</p> <p>3 A. And potential contact with the alleged perpetrators of</p> <p>4 sexual abuse isn't protecting children from harm.</p> <p>5 Q. So you think that even if it might cause problems to the</p> <p>6 police investigation, the immediate priority should be</p> <p>7 safeguarding?</p> <p>8 A. Or prioritise the investigation and make that</p> <p>9 investigation a priority so those checks can be</p> <p>10 undertaken, but -- I appreciate there's got to be some</p> <p>11 delay, but drifting delay in over a year, and a year in</p> <p>12 cases that I have worked on, to me is unacceptable.</p> <p>13 Q. What was the response of your managers when you raised</p> <p>14 these concerns?</p> <p>15 A. That they would raise it with their counterparts at</p> <p>16 strategic level.</p> <p>17 Q. We have now talked about a few things in your employment</p> <p>18 where you had concerns and you raised it with</p> <p>19 management, and they said that they would raise it. Did</p> <p>20 you begin to feel that your concerns weren't being</p> <p>21 listened to or you were being frustrated?</p> <p>22 A. It is fair to acknowledge that during my time there were</p> <p>23 three managers, and it would be unfair for me to say</p> <p>24 that the response from all three managers was the same,</p> <p>25 because it wasn't. But, yes, there was a period that</p> <p style="text-align: center;">Page 81</p>	<p>1 I think it would -- I would say, yes, that I wasn't</p> <p>2 listened to. Or the team wasn't listened to.</p> <p>3 Q. You mentioned in your statement that meetings will</p> <p>4 endeavour to reach a conclusive outcome when you have</p> <p>5 these strategy meetings, and the examples are</p> <p>6 substantiated, false, malicious, unfounded or</p> <p>7 unsubstantiated, I think. To your mind, what is the</p> <p>8 purpose of reaching such an outcome?</p> <p>9 A. For the complainant?</p> <p>10 Q. Either or both?</p> <p>11 A. Well, for the complainant, I feel it is of great benefit</p> <p>12 because in some cases the CPS can't pursue the</p> <p>13 prosecution, so to have an outcome based on the balance</p> <p>14 of probability, you know, has provided some reassurance,</p> <p>15 and, you know, some closure for some complainants.</p> <p>16 Again, in terms of an alleged perpetrator having an</p> <p>17 outcome, it's a measure of risk, isn't it, and how that</p> <p>18 needs to be -- might affect their continued employment</p> <p>19 or their future employment or charitable work.</p> <p>20 Q. So the purposes of reaching that decision could be both</p> <p>21 a benefit for the complainant and also allowing you, as</p> <p>22 social care, to assess risk?</p> <p>23 A. Yes.</p> <p>24 Q. Are the potential consequences pretty much as you</p> <p>25 outlined? So if there was substantiated, for example,</p> <p style="text-align: center;">Page 82</p>
<p>1 you might have to take safeguarding measures, whereas,</p> <p>2 if it was unsubstantiated, those might be different?</p> <p>3 A. And also, you know, regulation bodies -- employment,</p> <p>4 DBS, Disclosure and Barring Service -- would need to be</p> <p>5 made aware if people were going to try and continue</p> <p>6 practice, or try and gain voluntary positions with</p> <p>7 charities and things and have contact with children.</p> <p>8 Q. To give an example, an allegation might arise from</p> <p>9 a complainant coming forward either giving a police</p> <p>10 interview or making a civil claim or simply just coming</p> <p>11 to you and telling you what happened to them. When</p> <p>12 you're going through this process of endeavouring to</p> <p>13 reach a conclusion, do you engage with the complainant</p> <p>14 in terms of their perspective on things, or is it just</p> <p>15 done -- they make the allegation, you all review the</p> <p>16 records and then decisions are made?</p> <p>17 A. Usually, in meetings -- there would be an initial</p> <p>18 meeting, probably two or three, you know, meetings in</p> <p>19 between before a concluding meeting. The police would</p> <p>20 attend those meetings. Records and information that had</p> <p>21 been gathered would be shared. The police would share</p> <p>22 the process of the criminal investigation, looking at</p> <p>23 any other allegations that have been made against that</p> <p>24 alleged perpetrator, and all that information would be</p> <p>25 considered in the subsequent review and concluding</p> <p style="text-align: center;">Page 83</p>	<p>1 meetings.</p> <p>2 Q. Are you confident, in cases that you were dealing with,</p> <p>3 that the complainant knew that this process was being</p> <p>4 followed?</p> <p>5 A. Yes.</p> <p>6 Q. Would you explain that to them?</p> <p>7 A. I would, yes.</p> <p>8 Q. In your experience, was that something which people</p> <p>9 reacted positively to?</p> <p>10 A. Yes. I have touched on earlier, especially if -- in</p> <p>11 cases where the CPS weren't able to follow a criminal</p> <p>12 prosecution.</p> <p>13 Q. What's the actual decision-making process in coming to</p> <p>14 an outcome? How is that decision actually made?</p> <p>15 A. So I would provide a report to the concluding meeting</p> <p>16 which would provide an analysis and rationale for my</p> <p>17 recommendation.</p> <p>18 Q. So you would recommend substantiated/unsubstantiated,</p> <p>19 et cetera?</p> <p>20 A. Correct. But then other agencies that are at that</p> <p>21 meeting, and ultimately the chair, would make the</p> <p>22 overriding -- I would only make the recommendation, as</p> <p>23 the social worker.</p> <p>24 Q. I know this might seem obvious, but was it a majority</p> <p>25 vote, was it --</p> <p style="text-align: center;">Page 84</p>

<p>1 A. The chair has the overall decision.</p> <p>2 Q. So it's people at the meeting give their views and then</p> <p>3 the chair is the sole decision maker?</p> <p>4 A. Yes.</p> <p>5 Q. How is that decision relayed to complainants, in your</p> <p>6 experience?</p> <p>7 A. I would usually tell them verbally and then follow up in</p> <p>8 writing.</p> <p>9 Q. Have you been involved in any cases that you can</p> <p>10 remember in which a complainant had simply received an</p> <p>11 outcome letter without having been able to provide any</p> <p>12 input, without any rationale being provided to them?</p> <p>13 A. I certainly don't feel I have worked in a case in those</p> <p>14 circumstances.</p> <p>15 Q. Is there anything you would change about this process of</p> <p>16 resolving allegations?</p> <p>17 A. No.</p> <p>18 Q. Do you think that when complainants are told about the</p> <p>19 outcome, that they -- well, in fact, when you tell</p> <p>20 complainants about the outcome, do you explain what</p> <p>21 "substantiated", "unsubstantiated" -- do you explain</p> <p>22 what that actually means?</p> <p>23 A. If my memory recalls me, often when I'd write to</p> <p>24 complainants -- so, for example, if we're saying, "Your</p> <p>25 allegation about such and such is substantiated, but</p> <p style="text-align: center;">Page 85</p>	<p>1 unfortunately we was not able -- you know, your</p> <p>2 allegation against Mr A is unsubstantiated", I would</p> <p>3 then probably add some explanation to what</p> <p>4 "unsubstantiated" means, to expand on it. "It's not</p> <p>5 that we don't believe you, it's simply that there wasn't</p> <p>6 enough evidence to reach a conclusion based on the</p> <p>7 balance of probabilities".</p> <p>8 Q. The inquiry has seen a number of cases in which people</p> <p>9 made allegations of non-recent sexual abuse against</p> <p>10 a foster carer or someone in care, and the allegations</p> <p>11 were denied and then there's nothing in the records</p> <p>12 which shows any -- which supports the allegation. That</p> <p>13 might be -- it might be that the complainant makes some</p> <p>14 allegations of physical abuse which are supported by the</p> <p>15 records but that the sexual abuse, because of its</p> <p>16 different nature, there simply isn't any records</p> <p>17 suggesting.</p> <p>18 A. Mmm.</p> <p>19 Q. Even if a complainant came forward with what seemed to</p> <p>20 be a very credible account, when you were considering</p> <p>21 that in your report, would it simply be that if there</p> <p>22 wasn't any supporting evidence, that would have to be</p> <p>23 unsubstantiated?</p> <p>24 A. It's very hard, because, you know, in some cases, there</p> <p>25 might be a case where there's been other allegations</p> <p style="text-align: center;">Page 86</p>
<p>1 made that describe abuse occurring in the same way. So</p> <p>2 it would add credibility. I think what you're asking me</p> <p>3 is very hard to answer in a "yes" or "no". I don't feel</p> <p>4 I can answer that.</p> <p>5 Q. I'm going to try to rephrase one more time.</p> <p>6 A. Okay.</p> <p>7 Q. If there is simply a credible allegation, or somebody</p> <p>8 that comes forward credibly, there's nothing to</p> <p>9 particularly undermine it, a credible allegation,</p> <p>10 denial, no support from anywhere else in the documents,</p> <p>11 could you ever, in that circumstance, come to a decision</p> <p>12 that the allegation was substantiated, because you</p> <p>13 believed the complainant, for example?</p> <p>14 A. You can't -- just because we believe somebody, and in</p> <p>15 cases, of course we believed people, but you'd have to</p> <p>16 have some supporting evidence at the strategy meeting</p> <p>17 process.</p> <p>18 Q. When you're making these decisions, you have talked</p> <p>19 a little bit about the process and how that works with</p> <p>20 the police. Are there any circumstances in which you</p> <p>21 would make that decision -- I say "you", I mean social</p> <p>22 care -- during a police investigation, as in before it's</p> <p>23 concluded?</p> <p>24 A. No.</p> <p>25 Q. So it would always be after the police investigation and</p> <p style="text-align: center;">Page 87</p>	<p>1 CPS decision, or in some circumstances it might be where</p> <p>2 there isn't one?</p> <p>3 A. I'm not sure -- I think on some of the cases maybe</p> <p>4 a concluding -- it's so hard, because there's been so</p> <p>5 many cases over three years, and I think I can</p> <p>6 remember -- recall one case where we did make</p> <p>7 a concluding decision prior to it going to court. But</p> <p>8 it was known that it would be going to court.</p> <p>9 Q. This might be a bit unfair to you, but the inquiry heard</p> <p>10 in week 1 of a number of complainants, some with the</p> <p>11 city council and some with the county council, I think,</p> <p>12 who have expressed some anger about the process</p> <p>13 that's -- this process that they see as a group of</p> <p>14 adults, whom they don't know, making a decision about</p> <p>15 what happened to them without them being involved. Is</p> <p>16 that something that's been expressed to you?</p> <p>17 A. No, because I genuinely believe that the complainants</p> <p>18 that I represented in those meetings were aware of those</p> <p>19 meetings.</p> <p>20 Q. I want to ask you about a couple of specific cases.</p> <p>21 Firstly, allegations that were disclosed to you by A302.</p> <p>22 You start talking about this in your statement at</p> <p>23 paragraph 25 onwards. From paragraph 26, you talk about</p> <p>24 a case assigned to you regarding A302 who went on to</p> <p>25 make allegations about her time at Laybrook and in</p> <p style="text-align: center;">Page 88</p>

<p>1 foster care. You say that A302 had specifically stated 2 that she wanted to meet with the historical abuse team, 3 your team, before she had contact with the police, but 4 that the police disregarded this and visited her the day 5 before your scheduled meeting anyway. 6 A. Yes. 7 Q. Were you ever given any reason for this? 8 A. Not from the police, but I spoke to the referrer, which 9 was A302's child social worker, who made the referral in 10 to social care, and she confirmed that she was contacted 11 by the police, who said that they needed to visit 12 without social care because they're the lead agency. 13 Q. Did you feel that that placed you in a compromising 14 position? 15 A. I thought it disregarded what she had clearly said she 16 wanted to happen. 17 Q. You say that you carried out a home visit to her after 18 the police had interviewed her? 19 A. Yes. 20 Q. You say you weren't intending to obtain disclosures or 21 information about the disclosures, but you were there 22 and she started speaking about being abused as a child? 23 A. She did. 24 Q. And you didn't think it was appropriate to stop her 25 whilst she was in that process?</p> <p style="text-align: center;">Page 89</p>	<p>1 A. Yes. 2 Q. How did you record this information at the time? 3 A. When I undertake home visits, I have a notebook, I write 4 my notes and then go back to the office and enter them 5 on the system. I didn't think it would be problematic, 6 because the police had visited the day before, and it 7 just didn't feel right that someone -- I didn't go with 8 the intention of asking her those details, but she felt 9 comfortable and wanted to share them. 10 Q. Would it have posed any problems if she'd made that 11 disclosure to you before speaking to the police? 12 A. If that had have been her choice, but I would have made 13 her aware that then, you know, evidentially -- and this 14 is why I subsequently had to make a statement to the 15 police, because you're repeating the information. 16 Q. To summarise what the allegations were, she alleged that 17 she had been sexually assaulted and forced to perform 18 oral sex on F111, who was a foster parent with whom 19 she'd been placed in 1994. 20 A. Yes. 21 Q. She also alleged that she'd been frequently sexually 22 assaulted, including forced masturbation and digital 23 penetration by F77, who was related to her foster 24 carers, and she said he'd created frequent opportunities 25 to be alone with her. Just to move on and deal with</p> <p style="text-align: center;">Page 90</p>
<p>1 those two individually, the allegations against the two 2 foster parents, with regard to F77 first, you say at 3 paragraph 31 that you have, throughout the criminal 4 investigation, offered emotional support to A302 and 5 made referrals to support services; is that right? 6 A. Correct. 7 Q. At paragraph 32, you say that an initial strategy 8 meeting was held in June 2016. Can you help with why 9 that meeting only happened two months after your initial 10 visit? I know it is difficult to go back to the 11 chronology. You visited on 20 April and then the 12 initial strategy meeting is held on 29 June? 13 A. I'm just wondering if that -- it would have been, 2017. 14 I think it's possibly because the CPS had made their 15 decision not to prosecute, so it was felt that we 16 could -- and we actually did substantiate those 17 allegations. 18 Q. You were involved in subsequent strategy meetings, and 19 you say in October 2017, the year after, you were 20 informed that the CPS had decided not to prosecute. 21 When a prosecution decision is made, in a case like 22 this, and you've already been involved I think in this 23 case for a year or so, would you be asked to give your 24 views to assist the CPS? 25 A. No.</p> <p style="text-align: center;">Page 91</p>	<p>1 Q. Once that CPS decision is made, would you simply be told 2 that the decision had been made not to prosecute, or 3 would you receive the reasons why they hadn't 4 prosecuted? 5 A. Usually, officers would share that information with our 6 management, which would be cascaded up to social workers 7 and recorded on our system. So we were offered 8 rationale why, yes. 9 Q. Because I suppose the question I want to get to is, that 10 decision is made by the CPS not to prosecute. You then 11 have a strategy meeting or a meeting where you are going 12 to come to a conclusion yourselves about the 13 allegations. I want to understand, when you're making 14 your recommendation, for example, would you be aware of 15 the reasons why the CPS hadn't prosecuted? 16 A. Yes. 17 Q. From paragraph 38 of your statement, you note that 18 during the period you were involved in this case you 19 undertook file searches, compiled an overview of 20 previous allegations -- that's previous allegations 21 against F77? 22 A. That's correct, yes. 23 Q. And ensured that safeguarding was undertaken. 24 A. Yes. 25 Q. You say that it became apparent that safeguarding</p> <p style="text-align: center;">Page 92</p>

<p>1 measures had not been undertaken or put in place in 2 respect of some of F77's grandchildren when he was 3 investigated and convicted a few years previously. 4 A. That's correct. 5 Q. What was done about that? 6 A. I did raise that with management. F77 had two sons, and 7 one of the sons -- grandchildren -- risk assessments 8 were undertaken, but not the other son, and I did some 9 work and I did raise that with management at the time, 10 but more pertinently during this inquiry those 11 safeguarding measures, referrals and risk assessments, 12 were undertaken. 13 Q. As far as you were aware, was this just something that 14 had been missed before? 15 A. I can't be accountable for other people's work. 16 Q. From paragraphs 41 to 42, you say that A302's 17 allegations against F77 were regarded as substantiated. 18 You say that they were supported by the file and there 19 was no evidence to suggest collusion. You say that this 20 was confirmed verbally in November 2017, and in writing 21 in June 2018. That letter in June 2018, I don't know if 22 you were involved in it, but would that have set out the 23 reasons for the decision, or would it just say that 24 they're substantiated? 25 A. It would have just said "substantiated" --</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. Because it was substantiated? 2 A. And she understood what that meant because of 3 conversations, and I was still supporting her during 4 this time as well. The letter was just so that she had 5 it in writing and, if she ever wanted to make a civil 6 claim, it was there for her. 7 Q. In general, would a letter such as that, finding that 8 something was substantiated, be accompanied by an 9 apology as a matter of course, or would that depend? 10 A. No. 11 Q. Would the letter be authored by you or would it be 12 authored by one of your managers? 13 A. Myself. 14 Q. You say that the significant delay in confirming the 15 outcome in writing -- so verbally in November 2017 and 16 in writing in June 2018 -- was due to senior management 17 needing to consult with other departments in the council 18 to ensure there was not a conflict of interest. Can you 19 explain that for us? 20 A. I was never really full aware of the reasons, but it was 21 felt that there was some conflict between our 22 safeguarding process and reaching those outcomes and 23 legal department and the conflict with civil claims. 24 I was not -- I don't -- didn't fully understand it, 25 I was never given a full rationale. I was constantly</p> <p style="text-align: center;">Page 94</p>
<p>1 told that letters couldn't go out because of delay and 2 things need to be addressed at a strategic level. 3 Myself and my colleagues raised concerns at our 4 dissatisfaction about the delay in this process at 5 meetings. 6 Q. You may not be able to tell us specifically, because 7 I know that your understanding was limited at the 8 time -- 9 A. Yes. 10 Q. -- but was your perception that the reason for the delay 11 was due to risk about civil claims? 12 A. Yes. 13 Q. Did you understand whether insurers were involved in 14 that? 15 A. I have not got a full understanding, but yes. 16 Q. Moving on to the allegations that A302 made against 17 F111, paragraphs 34 to 37 of your statement, you note 18 that, again, strategy meetings were held, and, again, in 19 this case, reached an outcome that the allegations were 20 substantiated. You mention that there were also 21 allegations against F131, who was known to be deceased, 22 and that, therefore, neither the police nor social care 23 investigated F131. But F111 was also deceased? 24 A. Yeah. The strategy meeting process was started before 25 it was known that he was deceased, and on that</p> <p style="text-align: center;">Page 95</p>	<p>1 particular case, because it was started, we decided -- 2 Q. You carried on? 3 A. We carried on. But F131 was always known to be 4 deceased. 5 Q. This is a specific issue I want to explore, because at 6 paragraph 53 of your statement, you say that the issue 7 of how deceased alleged perpetrators are addressed is 8 not consistent. Are you clear in your mind about what 9 the position is meant to be, where an allegation is made 10 against someone who is deceased? 11 A. We have got -- it is clearly in our policy. It 12 remains -- even though there have been some changes to 13 the policy during the three years I have been employed, 14 it still remains in the policy, and there have been 15 numerous cases where I don't feel that it was adhered to 16 and I have case noted, recorded and raised those issues 17 with the various managers I have had along the time. 18 Q. Just to clarify that, so the policy is, I think my 19 understanding is, that even if the allegations are made 20 against someone who is deceased, it is still your job, 21 as the historical abuse team, to try to reach 22 a conclusion about whether those allegations are 23 substantiated or not? 24 A. It's not quite as -- in essence, yes, but not -- I think 25 it's -- I don't know the policy, sorry, word for word,</p> <p style="text-align: center;">Page 96</p>

<p>1 and I would always read the policy before I raised my 2 concerns, but I feel it's -- where there's been a number 3 of allegations against an alleged perpetrator, then 4 discussions could be held and maybe a conclusion, and in 5 some cases, that happened, in others, it didn't, and 6 that, you know -- the benchmark of social work is, you 7 know, being equitable, and that was my issue, when 8 I didn't feel things were equal, and I raised those on 9 a case-by-case level.</p> <p>10 Q. Presumably, from the purposes you told us earlier, the 11 first one of which was the benefits for the complainant 12 of having an outcome --</p> <p>13 A. Exactly.</p> <p>14 Q. Presumably that would still apply whether the 15 perpetrator is deceased or not?</p> <p>16 A. Exactly.</p> <p>17 Q. Was it ever explained to you the reason why in some 18 cases these meetings weren't held, or in fact, can I put 19 it to you specifically: was it explained that it was to 20 do with resources?</p> <p>21 A. It wasn't, no, and it would be unfair to say that it was 22 ever about resources, or I was told it was about 23 resources, but, you know, I'd raise my concern, I would 24 record my concern, I would raise it in supervision, and 25 at that point I -- you know, I don't have the authority</p> <p style="text-align: center;">Page 97</p>	<p>1 to -- you know, if I'm told it's not happening, then 2 I can only record my dissatisfaction with it.</p> <p>3 Q. I think this should be -- it is probably obvious from 4 what you have just said, but presumably this means that 5 in some cases you dealt with where allegations were made 6 against a deceased perpetrator, there was no outcome 7 reached?</p> <p>8 A. Yes.</p> <p>9 Q. I want to deal with your involvement in the allegations 10 against F80, which you deal with at paragraphs 43 to 46. 11 This is a case the substance of which we heard a bit 12 about this morning. To summarise again, the allegations 13 were that a male who had formerly been fostered in the 14 early 1980s alleged that he had been forced to have 15 a sexual relationship with his former foster mother 16 whilst the foster father had been at work. You say that 17 your role in this case involved undertaking safeguarding 18 measures --</p> <p>19 A. That's correct.</p> <p>20 Q. -- with the family of F80, and completing a chronology. 21 Because you were in that case working on the 22 safeguarding measures with F80, and you also say that 23 your details were offered to her if she wanted support, 24 does that mean that somebody else would be dealing with 25 it from the complainant's perspective?</p> <p style="text-align: center;">Page 98</p>
<p>1 A. No. I think -- when we say "safeguarding measures", 2 that means making appropriate referrals to the 3 appropriate teams. I wouldn't undertake the risk 4 assessment for the alleged perpetrator's grandchildren 5 or any contact with children in that case.</p> <p>6 In terms of -- when the strategy meetings -- when 7 alleged perpetrators would be made aware that the 8 meetings -- and, again, sometimes -- ideally, they 9 should be made aware from the point of an initial 10 meeting, but, again, sometimes not to frustrate a live 11 police investigation, there would be some delay in 12 informing the alleged perpetrator.</p> <p>13 On those letters, the alleged perpetrator would be 14 given the social worker's contact details should they 15 choose to access the support, because in some cases they 16 might be malicious or false claims, and they too would 17 then require some support. So it was, like, in 18 practice, none of the alleged perpetrators ever 19 contacted myself.</p> <p>20 Q. I appreciate that that was the practice, but in 21 principle it could be that you would be asked to provide 22 support at the same time to both the alleged perpetrator 23 and the complainant?</p> <p>24 A. Well, in principle, but it would be more about directing 25 the alleged perpetrator to where they could seek</p> <p style="text-align: center;">Page 99</p>	<p>1 support. It wouldn't be face-to-face visits like it 2 would be with the complainant.</p> <p>3 Q. Paragraph 44 of your statement. You say that you were 4 not aware that F80 was interviewed under caution on 5 16 November. You say that you were away at the time, 6 but that you also found out that social care management 7 were not informed about this in your absence.</p> <p>8 A. That's correct.</p> <p>9 Q. Is this another example of the police bypassing social 10 care?</p> <p>11 A. Correct.</p> <p>12 Q. Did you express concerns about it again in this case?</p> <p>13 A. I did, yes.</p> <p>14 Q. To build on that, you have talked about expressing 15 concerns to your managers a number of times. I know you 16 had some direct contact with the police. Did you ever 17 feel able to raise those concerns directly with the 18 police?</p> <p>19 A. The police are a disciplined force and they have 20 a hierarchy and they wouldn't accept me raising 21 concerns. It's not -- it would be seen that it had to 22 go through my managers to their managers.</p> <p>23 Q. We know from the documents that a number of strategy 24 meetings were held. Our records stop in terms of what's 25 in the bundle at April 2017 because of when they were</p> <p style="text-align: center;">Page 100</p>

<p>1 disclosed, but you say in your statement that you were 2 responsible for preparing a report and attending 3 a concluding strategy meeting in October 2017. You had 4 been informed four days previously that the CPS were not 5 going to prosecute. You say at paragraph 46 that, 6 ultimately, the outcome that was reached in this case 7 was that there was insufficient information to indicate 8 that the allegations could be substantiated, so the 9 conclusion was that it was unsubstantiated? 10 A. That's correct. 11 Q. Do you recall, was that your recommendation in your 12 report? 13 A. It was, yes. 14 Q. Did you communicate that to the complainant? 15 A. Sorry, I'm just trying to think who the complainant was. 16 This was a complainant that had not wanted any social 17 care involvement, and I would have to refer to the 18 minutes, but I think in this case it was discussed that 19 the police would convey the outcome because he was -- 20 he'd made a number of other allegations, one that was 21 going to court, and he was in contact with a police 22 officer and had a good relationship with the police 23 officer, and he declined any involvement with social 24 care. 25 I realise I'm on oath, but without reading the</p> <p style="text-align: center;">Page 101</p>	<p>1 minutes, and just from memory, so it would either be one 2 of two things: either it was decided that the police 3 would convey the outcome or we would write to him. 4 Without looking at those minutes, I can't confirm which 5 action was taken in that case. 6 Q. Do you remember to what extent, if any, the CPS decision 7 not to prosecute impacted on your decision? 8 A. It didn't. 9 Q. One thing you mention, I think it is in the statement, 10 but it is definitely in the documents, is that in this 11 case, when you were looking for documents, there was no 12 foster carer file that could be found, so you could find 13 Social Services records but no fostering file? 14 A. That's correct. 15 Q. Was that surprising to you? 16 A. I think in that -- well, yes, because, in essence, the 17 file should be there, shouldn't it? 18 Q. Are those foster carer files usually there? 19 A. Often. I would -- you know, again, on the balance of 20 probabilities, I would say that more files were found 21 and located than wasn't. It was unusual to not find 22 anything. 23 Q. Moving on to another case, which you deal with at 24 paragraphs 47 to 54 of your statement, you talk about 25 the allegations against F182 and his wife, and to</p> <p style="text-align: center;">Page 102</p>
<p>1 summarise, Ms Morton, the allegations were that this 2 complainant had been sexually touched by her former 3 foster father, F182. He was now deceased and she said 4 she'd disclosed them at the time to her foster mother, 5 who didn't believe her, and called her a liar. 6 You talk in your statement that you looked through 7 the records and you found an undated report which had 8 expressed concern about a breakdown in placement at the 9 time, including that the complainant had been cuddling 10 up to F182, and it was written at that time that this 11 might be in what might be termed as "in a seductive 12 manner", and that that report from the time had also 13 included a recommendation that careful thought should be 14 given to placing teenage girls with F182. Just to 15 check, because it is not entirely clear to me, was this 16 report found at the time when you were dealing with the 17 allegations or at the time of preparing for this 18 inquiry? 19 A. No, when I was dealing with the allegations. 20 Q. Seeing language like suggesting that the complainant was 21 cuddling up in what might be termed a seductive manner, 22 is that something that you often saw in records from the 23 1980s? 24 A. Yes, victim blaming I think is, unfortunately, the way 25 a lot of records were kept.</p> <p style="text-align: center;">Page 103</p>	<p>1 Q. You go on to say that a robust investigation at that 2 time clearly wasn't carried out. You say that the 3 reports appear to blame the victim. You say that, in 4 your view, looking back on it, the social worker's duty 5 of care to the complainant in respect of these 6 allegations doesn't appear to have been discharged. Is 7 that based on your view of what would be done now or is 8 it looking at what should have been done at the time? 9 A. Just looking at those records that I refer to, it's 10 clear -- you know, as I've said, a robust investigation, 11 and it was almost, you know, let's blame the victim, 12 move her placement and let them continue fostering. 13 Q. I think in this case, as I have already said, the foster 14 carer was deceased at this point. Was there an outcome 15 reached about -- in fact, sorry, you say in this case it 16 doesn't appear that an outcome was reached in this case. 17 Is that right? 18 A. Sorry, are you asking about when she was a child or -- 19 Q. No. 20 A. No, there was no strategy meeting or outcome reached. 21 Q. Do you think, given what we have talked about before, 22 that that process should have been followed in this 23 case? 24 A. Yes. 25 Q. And an outcome reached?</p> <p style="text-align: center;">Page 104</p>

<p>1 A. Yes. 2 Q. Do you know, just following on from that, what was the 3 complainant told in this case -- what was their 4 conclusion? 5 A. I can't recall that, I'm sorry. 6 Q. Coming on to dealing with the next case, is allegations 7 made against F184 and F185. You talk about this from 8 paragraphs 55 to 56. You talk us through your work done 9 following these allegations against these two foster 10 parents, saying that you obtained lots of information 11 from the complainant, who this inquiry knows as A20, or 12 Q1, and you obtained his childcare file and information 13 from various council departments. In summary, the 14 allegations were physical abuse, neglect and also 15 a number of other things [redacted]. 16 In paragraph 56, you note that the complainant's 17 file was limited but you think that this was likely due 18 to the period of time in which the complainant was in 19 care, and the actual type -- essentially, what things 20 were like back then? 21 A. Yes. 22 Q. You have obviously spent a decent amount of time over 23 the last few years looking at files from the 24 1970s/1980s. Was it your experience that in general 25 those were quite limited?</p> <p style="text-align: center;">Page 105</p>	<p>1 A. Yes, and there wasn't the requirement to do the number 2 of statutory visits and the recording -- you know, 3 practice then wasn't what it is today. Also, in this 4 particular case, it was a large sibling group, so out of 5 all the siblings in that case that I've been involved 6 with, some sibling files are much bigger than others, 7 and it would appear that maybe the worker at the time 8 was recording on one file and not in the siblings' 9 files. 10 Q. You say in your statement that you found that concerns 11 had been recorded throughout the placement, but there 12 was no evidence that issues were addressed with the 13 foster parents at the time, nor any attempt to remove 14 the complainant and his siblings. 15 A. That's correct. 16 MR LIVINGSTON: Sorry, I have made a mistake. Chair, can we 17 cut the feed, please? 18 THE CHAIR: Yes, we can cut the feed. 19 MR LIVINGSTON: Chair, can I ask you to make a restriction 20 order over the point raised about [redacted]. 21 THE CHAIR: Yes, I will make that order. 22 MR LIVINGSTON: Thank you, Ms Morton. I will go back to 23 where I was. 24 I was saying that you found in your statement that 25 concerns had been recorded throughout the placement but</p> <p style="text-align: center;">Page 106</p>
<p>1 that there was no evidence that the issues had actually 2 been addressed with the foster parents nor any attempt 3 to remove the complainant and their siblings. Given 4 your review of the files and what you have seen of those 5 concerns being recorded but no action being taken, are 6 you able to help with any insight you might have as to 7 why no action was taken at the time? 8 A. I have no idea. It's a really concerning practice. 9 I wish I'd have compiled a report for our service 10 director, but -- 11 MR LIVINGSTON: Sorry, Ms Morton, it appears I have covered 12 something again. Can we cut the feed again, chair? 13 THE CHAIR: Yes. 14 MR LIVINGSTON: Can I ask you to make a restriction order 15 over the part I said about making the restriction order 16 last time, please. Thank you. 17 THE CHAIR: Yes, Mr Livingston. 18 MR LIVINGSTON: I told you it would be my fault. 19 Back to where we were. You said that you weren't 20 able to explain from your review of the files why no 21 action was taken at the time. Was it something that 22 seemed to you to be common to the way allegations were 23 dealt with at that time? 24 A. I don't think I can comment. It was, in my professional 25 opinion today, completely unacceptable. But I can't</p> <p style="text-align: center;">Page 107</p>	<p>1 offer any rationale as to what happened, and why, more 2 pertinently, things didn't happen for those children. 3 Q. You say that -- you talk about one occasion in which the 4 complainant did disclose to a social worker and was told 5 it would be kept confidential, and then it wasn't and 6 the child was reprimanded by the foster carer, and you 7 say that, under the circumstances, the allegations of 8 harm overall appear to be substantiated, particularly in 9 light of the other concerns raised. 10 You may have already answered this, but from the 11 work you've done, do you think that there is a pattern 12 of safeguarding failures and failing to take action in 13 relation to concerns from the past? 14 A. It doesn't appear that children were listened to and 15 given the opportunity to speak out, and, you know, in 16 this particular case, it's an example that, one, he did 17 master the courage to say something and asked for help, 18 he wasn't listened to, but furthermore, his confidence 19 was betrayed that resulted in him getting -- being 20 abused further. So it's quite understandable that he 21 then never repeated his allegations until he was an 22 adult. 23 Q. One thing you note at paragraph 61 of your statement is: 24 "Following an analysis of the complainant's school 25 records, it is clear that the complainant had a high</p> <p style="text-align: center;">Page 108</p>

<p>1 number of unauthorised absences from school. This, 2 together with comments made by professionals raising 3 concerns as regards the complainant's educational 4 progress, should have raised alarm bells within the 5 department as regards poor attendance and this should 6 have been addressed." 7 Do you think, from the large number of cases you 8 have looked at, that the failure of schools to recognise 9 signs or raise concerns is a common problem? 10 A. Are you asking me now or -- 11 Q. No, the cases you have looked back at. 12 A. In this particular case, you know, yes, I think there 13 was a failing at schools. I have to be honest, in a lot 14 of my other childcare files that I've worked on and 15 produced chronologies, there hasn't been the detailed 16 school reports that there was in this person's file and 17 his siblings. So, yes, in answer to this; no, in other 18 cases I have worked on, because I haven't had those 19 records. 20 Q. Taking a more forward-looking approach, how important do 21 you personally feel that schools are in identifying or 22 assisting in the disclosure of child sexual abuse? 23 A. Today? 24 Q. Yes. 25 A. Very important. They are an agency that see children on</p> <p style="text-align: center;">Page 109</p>	<p>1 a daily basis. 2 Q. One final case I want to ask you about is in relation to 3 an allegation of child-on-child sexual abuse, and this 4 isn't in your statement because it was only sent to you 5 afterwards. 6 A. I know. 7 Q. It is at tabs 10 and 11. We don't need to go to it now. 8 To briefly summarise, this is a case where an 9 individual, A603, came forward in 2015/2016 regarding 10 abuse at Wollaton House in 1991 and she says she was 11 sexually abused by another male resident, or a male 12 resident at Wollaton House. From the documents, 13 Ms Morton, we can see that A603 initially contacted the 14 police in July 2015 and it's suggested the next action 15 taken was to be a section 47 investigation. If we can 16 go to tab 10, NSC001436, pages 13 to 15, please, so 17 page 13 first, the issue of child-on-child sexual abuse 18 is one that the inquiry is focusing on in this 19 investigation, and where somebody makes an allegation 20 against someone who was a child at the time, so the 21 alleged perpetrator was also a child, and it happened 22 a long time ago, does that present unique safeguarding 23 concerns to you, compared to allegations that might be 24 against an adult? 25 A. No, because he would be an adult now.</p> <p style="text-align: center;">Page 110</p>
<p>1 Q. Did you ever have to deal with these cases, where you 2 would have to look at safeguarding in respect of someone 3 who might have been in care themselves and there was now 4 a concern being raised about their conduct whilst they 5 were in care? 6 A. I'm going to have to say I can't answer that because 7 I have worked on such a number I can't recall 8 everything, and I don't want to answer it inaccurately. 9 Q. Page 16 of that document. These are the person case 10 notes. It notes that A603 in February 2016 said -- that 11 you spoke to her and A603 said that she wasn't ready to 12 speak to the police, and certainly not ready to give 13 a VRI, a video recorded interview. 14 If a complainant said this, that she wasn't willing 15 to speak to the police, but she was coming to you, did 16 you explain to her in this case that social care could 17 look into it themselves? 18 A. I mean, I think from the recording from my case note, 19 I talked to her about support that she may wish to 20 access, and she said it wasn't at this current time. So 21 given that she didn't want to access support through us 22 or other agencies and didn't want to pursue a police 23 complaint, I explained that we'd close the case and 24 I would write to her providing our contact details and, 25 should she change her mind in the future and it was</p> <p style="text-align: center;">Page 111</p>	<p>1 something that she felt able to share, she could contact 2 us again. 3 Q. Can you assist, why would this case not have gone 4 through the strategy meeting process? 5 A. Because you've got someone that doesn't want to make 6 a complaint to us or to the police. 7 Q. We know from the documents that the case was closed by 8 your manager in February 2016, and she recorded at the 9 time -- and this comes from pages 17 to 18 of that 10 document -- that she had reported the allegations at the 11 time and it was recorded that a medical took place at 12 that time but there was inconclusive evidence, and 13 therefore it was closed. 14 Another one of the documents sent to you, Ms Morton, 15 is at tab 11, NTP001629. I appreciate it is tiny 16 writing and almost impossible to read, so we will try to 17 get it up on screen. Page 2, if possible. If we go to 18 the bottom email -- sorry, the middle one, from 19 Louise Melbourne to Helen Sheard. This is obviously 20 correspondence between the police, and it says that 21 based on a PNC check, that in March 1991 the alleged 22 perpetrator had in fact been convicted and received 23 a two-year supervision order in relation to the 24 allegations made by the other child, and it says that 25 the indictment of rape was altered to intercourse with</p> <p style="text-align: center;">Page 112</p>

<p>1 a girl under 13. 2 This is March 2016, so it is after social care had 3 closed the case. Does this mean that the case would 4 have been closed by yourselves without the police having 5 undertaken a PNC check? 6 A. I have no -- this bundle is the first time I have seen 7 that information and, to my knowledge, that wasn't -- 8 because it's not an email shared with social care. I'm 9 not sure whether that was shared with my manager to put 10 on file or -- 11 Q. Would you have expected it to be? 12 A. Well, if the police were still investigating the 13 information and we were in an aligned operation and 14 a joint investigation, then I would expect the 15 information to be shared both ways; and, actually, we 16 could have recorded that on that person -- that male's 17 file, because there's safeguarding implications there as 18 well. 19 Q. Yes, and seeing that now, presumably you're thinking 20 when the case was closed that the case had been 21 inconclusive, and you're finding out perhaps now that 22 the child was actually convicted at the time. Would 23 that have altered your approach? 24 A. Not in terms of what the complainant wanted. If they 25 didn't want to pursue a criminal investigation, they</p> <p style="text-align: center;">Page 113</p>	<p>1 didn't want support or for social care -- but 2 notwithstanding that, that implies that that's an adult 3 that's got convictions of a sexual nature over sexual 4 offences and, potentially, safeguarding may have been 5 required to be undertaken, because he may be living with 6 someone that's got children, he may have children 7 himself. To my knowledge -- well, that information was 8 not shared with me. I don't know whether it was shared 9 with my manager. I certainly didn't undertake any 10 safeguarding referrals that may have been required. 11 Q. One final question, Ms Morton: you set out in your 12 statement, from paragraph 66 onwards, your views on the 13 barriers to disclosure from complainants based on your 14 perspective. One question which I'm asked to ask you 15 from one of the core participants is whether you have 16 any suggested recommendations to ensure that children in 17 care today do not have the same barriers? 18 A. I think it might be appropriate -- I thought -- I have 19 prepared -- I thought that was one of the questions that 20 might ... 21 I think it's been horrifying to see and hear the 22 accounts of the survivors of non-recent abuse that we as 23 social workers must grapple with on a daily basis. 24 I think the inquiry has only touched the surface, but 25 I'm relieved that survivors are now finally having their</p> <p style="text-align: center;">Page 114</p>
<p>1 experiences heard, believed and investigated. 2 To learn from past mistakes, I believe it is 3 essential that more is done to invest in Children's 4 Services and associated agencies. Children should not 5 have to wait for thresholds to be met and conditions to 6 be satisfied before they are given the level of care and 7 attention and treatment they deserve. 8 Social work practice in the child protection arena 9 is too often resource led and not child centred. It 10 saddens me that a whole generation of children missed 11 out on their childhood. 12 If we do not invest, intervene and afford workers 13 the ability to practice in a child-centred way which 14 offers early intervention to children and families, 15 I fear we may be in the same room again in 20 years. 16 MR LIVINGSTON: Thank you, Ms Morton. That's all the 17 questions I have for you. 18 THE CHAIR: Mr Frank? 19 Questions by THE PANEL 20 MR FRANK: Just one thing, if I may: you mentioned the 21 chronologies that you produced in relation to some of 22 the cases that you have referred to. Can I just ask 23 you, were those chronologies produced, as it were, on 24 a case-by-case basis? Did you do one for each case that 25 you were involved in?</p> <p style="text-align: center;">Page 115</p>	<p>1 A. Yes. 2 MR FRANK: Can you help us, how far back in time did your 3 historical abuse cases go, broadly? Do they go back to 4 the '60s, '70s? 5 A. When the childcare file began. So the chronology would 6 be produced for the complainant. So if the complainant 7 had a childcare file that was governed by 8 Notts County Council, the chronology would start when 9 that childcare file started. 10 MR FRANK: Did the chronology cross-refer to the documents 11 that were relevant to the different stages of 12 the chronology, as it were? In other words, would you 13 be able to identify from your chronology which documents 14 were relevant to that case and where they might be 15 found? 16 A. The chronology would be produced purely from information 17 in the childcare file, so -- I may then produce a HR 18 chronology for an alleged perpetrator if we had a HR 19 file, but they would be two different documents. Does 20 that answer your -- 21 MR FRANK: I think I'm beginning to get an idea about it. 22 Can I ask you this, then: I think there was a point at 23 which someone had been appointed to make a chronology 24 who wasn't really up to the job and you had to sort of 25 take over the job from them. Is that right?</p> <p style="text-align: center;">Page 116</p>

<p>1 A. Are you referring to -- so I worked for Nottinghamshire 2 County Council. 3 MR FRANK: Yes. 4 A. Are you referring to work undertaken in Nottingham City 5 Council? 6 MR FRANK: I'm not sure which council it was. That's why 7 I'm asking the question. 8 A. I did go over to the city council because they hadn't 9 got an historical abuse team -- they had, but not 10 staffed by social workers. So some chronologies were 11 required for a strategy meeting, and I went and 12 discussed with workers how we were producing 13 chronologies in Nottinghamshire County. 14 MR FRANK: Finally this: in relation to the support that you 15 offered for some of the victims and survivors who came 16 forward with their complaints, did that include 17 assisting them with obtaining any of the files that they 18 wanted to see concerning their allegations? 19 A. I have addressed this in my answers, but it is a subject 20 access request. I would make all the complainants that 21 I worked with aware that they are entitled to access 22 their files and there's a process, and I would give them 23 the information or write to them and share that 24 information with them. However, I'd always explain that 25 the police would often ask that they didn't do that</p> <p style="text-align: center;">Page 117</p>	<p>1 until after criminal proceedings, and that's purely to 2 support the investigation, because the defence may say 3 to a complainant, "The allegations you're making are not 4 from memory, they are from what you have read in the 5 file". But, in essence, they could make that subject 6 access request whenever they wanted to and I would share 7 the information of how to do that. 8 MR FRANK: Were you, yourself, able to assist them in doing 9 that? 10 A. If they wanted any help filling in the form or -- 11 I would help filling forms, yeah, if they asked me to. 12 MR FRANK: Thank you very much. 13 THE CHAIR: Thank you very much, Ms Morton. 14 A. Thank you. 15 (The witness withdrew) 16 THE CHAIR: We will now take a break and return at 2.00 pm. 17 MR LIVINGSTON: Thank you, chair. 18 (1.07 pm) 19 (The short adjournment) 20 (2.00 pm) 21 MR SADD: Good afternoon, chair. This afternoon we are 22 going to hear from two witnesses, the first of whom is 23 Steve Edwards. He provides two statements to the 24 inquiry, the first is at INQ001951 and the supplementary 25 statement is at INQ002370.</p> <p style="text-align: center;">Page 118</p>
<p>1 MR STEVE EDWARDS (sworn) 2 Examination by MR SADD 3 MR SADD: Mr Edwards, good afternoon. You have provided two 4 statements to the inquiry, as you heard me just say now. 5 The first is 48 pages, and the second is two pages. At 6 the time that you signed both those documents, were you 7 satisfied that what you were setting out there was the 8 truth, as far as you could remember? 9 A. Yes, I was. 10 Q. Are there any corrections that you want to make to 11 either statement? 12 A. Yes, there is. There's a typo on page 39 of the first 13 statement, paragraph 183. The date on the first 14 sentence of 1997 should be 2006. 15 Q. Thank you very much. The panel have both your 16 statements in full, and these statements will be 17 uploaded onto the inquiry website over the next few 18 days. In the time allotted, I'm not going to go through 19 every line of your statement, and indeed not through 20 every paragraph. I am going to focus on particular 21 topics and perhaps take you to some documents and it is 22 those topics that we are going to discuss together. 23 First, though, if I can summarise your background, 24 paragraphs 1 to 10. You set out your qualifications and 25 employment background. You trained as a social worker</p> <p style="text-align: center;">Page 119</p>	<p>1 in the 1980s. In 1994, you started working for the 2 county council's children's service as a social worker 3 and subsequently, in 1996, you became a team manager in 4 a district child protection team and you were there for 5 five years. You were appointed in 2001 as children's 6 service manager for the Bassetlaw area of 7 Nottinghamshire and became chair of the Nottinghamshire 8 North Fostering Panel 2002. You gave up your role as 9 chair of the Fostering Panel when you took up your post 10 of group manager for integrated services in 2007. In 11 2008, you were appointed service director for strategic 12 services. Then in 2010, you were appointed to the post 13 of service director for children's social care, and you 14 set out in detail at paragraph 8 of your statement -- 15 this is page 2 -- the extent of your responsibilities. 16 Also in 2010, you became an adoption agency decision 17 maker. And finally, following a restructuring in 2017, 18 you became service director for youth, families and 19 social work. Have I got that right so far? 20 A. Yes, that's correct. Can I just say that the role as 21 chair of the Fostering Panel was in addition to the 22 service manager role. It wasn't a -- 23 Q. It was running alongside, wasn't it? 24 A. Yes. 25 Q. Yes, I understood that, but you are right to draw that</p> <p style="text-align: center;">Page 120</p>

<p>1 to my attention.</p> <p>2 Just to deal very briefly with your second</p> <p>3 statement, in this statement you simply clarify in</p> <p>4 response to a question from the inquiry that you haven't</p> <p>5 been involved in the survivors support meetings; is that</p> <p>6 right?</p> <p>7 A. That's true.</p> <p>8 Q. So the focus of my questions is going to be on the first</p> <p>9 statement. We are going to look first at the historical</p> <p>10 abuse team issues. Before we get there, just to</p> <p>11 identify, paragraphs 11 to 15, you deal with your role</p> <p>12 on the Fostering Panel, which we will come back to. At</p> <p>13 paragraph 20 on page 5, please, of your statement, you</p> <p>14 talk about the historical abuse team. You say there</p> <p>15 that it was established as a result of discussions --</p> <p>16 this is paragraph 20 -- between the former director of</p> <p>17 Children's Services, Anthony May, and yourself, as</p> <p>18 service director for children's social care. You set</p> <p>19 out how allegations of abuse made by former looked-after</p> <p>20 children relating to their time in care have been the</p> <p>21 subject of senior management attention and, as you say,</p> <p>22 high profile from 2011. You say at paragraph 22,</p> <p>23 please, that the proposal to establish a dedicated</p> <p>24 historical abuse team was progressed in October 2014.</p> <p>25 Do you have any understanding of why it was not</p> <p style="text-align: center;">Page 121</p>	<p>1 until 2014, given the high-profile allegations that you</p> <p>2 refer to, before such a team was established?</p> <p>3 A. Yes. I think we were working towards -- there was</p> <p>4 a slow recognition of the demand on services. We</p> <p>5 recognised that not only were social workers spending</p> <p>6 a lot of time working on the historical abuse side of</p> <p>7 things, increasingly, it was impacting on their day job</p> <p>8 and their responsibility to today's children.</p> <p>9 So we took a decision, and, with hindsight, it was</p> <p>10 a decision that perhaps we took a little late, that we</p> <p>11 needed an historic abuse team. That was where we got</p> <p>12 the additional resource for in October 2014 and started</p> <p>13 in the early 2015.</p> <p>14 Q. You say, "with hindsight, perhaps a little late". Why</p> <p>15 do you think a little late? What was the consequence of</p> <p>16 it being a little later?</p> <p>17 A. I think, once we had the -- I think with the historic</p> <p>18 abuse -- and you have heard today earlier about the</p> <p>19 complication of finding files, accessing information;</p> <p>20 it's a steep learning curve for social workers -- it</p> <p>21 became apparent to us that it was a specialist sort of</p> <p>22 area of work. I think things like civil claims</p> <p>23 responses, support in work and collecting evidence for</p> <p>24 the police, subject access requests, may at the start</p> <p>25 have been a little quicker had we acted earlier and put</p> <p style="text-align: center;">Page 122</p>
<p>1 the additional resource in.</p> <p>2 Q. Paragraphs 22 to 23, please. You set out how a small</p> <p>3 team was put in place in the early part of 2015. In</p> <p>4 paragraph 24, you describe how the base was at Worksop</p> <p>5 Police Station which allowed it to work in conjunction</p> <p>6 with Operation Xeres. Then at paragraph 25, still on</p> <p>7 page 6, you set out the work of the team. You say</p> <p>8 initially it was focused largely on accessing childcare</p> <p>9 records and on producing chronologies to assist police</p> <p>10 investigations.</p> <p>11 As you will have heard perhaps this morning, we have</p> <p>12 already heard from Rachel Morton. In her statement to</p> <p>13 the inquiry, she discusses the council's response to</p> <p>14 non-recent disclosures of allegations of sexual abuse.</p> <p>15 She describes, and indeed described this morning, how</p> <p>16 strategy meetings are convened which lead to agreed</p> <p>17 plans to progress investigations. She says this at</p> <p>18 paragraph 24 of her statement:</p> <p>19 "Although safeguarding is a priority within the</p> <p>20 investigations, in practice, agencies have different</p> <p>21 priorities which, from experience, have caused delays in</p> <p>22 undertaking safeguarding checks and making associated</p> <p>23 and appropriate referrals."</p> <p>24 She states that this is an issue that has caused her</p> <p>25 "immense professional concern" and one she has "shared</p> <p style="text-align: center;">Page 123</p>	<p>1 with management". Was this something that she shared</p> <p>2 with you?</p> <p>3 A. I am aware that she shared it with her managers. She</p> <p>4 didn't share it directly with me.</p> <p>5 Q. But you learnt of that, did you?</p> <p>6 A. Yes.</p> <p>7 Q. Having learnt of it, did you share her concerns about</p> <p>8 prioritisation?</p> <p>9 A. I think the work that we were doing with the police was</p> <p>10 incredibly sort of complex. No-one would want to</p> <p>11 compromise, I don't think, a criminal investigation that</p> <p>12 was ongoing. I think we went through a period of</p> <p>13 learning to work better with each other to achieve the</p> <p>14 right criminal outcomes and the right safeguarding</p> <p>15 outcomes. Undoubtedly, if we started again, I think</p> <p>16 there are probably things that we might do better, and</p> <p>17 I think we did begin to work better.</p> <p>18 Q. Were you involved in the steps taken to address the</p> <p>19 issues --</p> <p>20 A. Not that --</p> <p>21 Q. -- that she'd raised?</p> <p>22 A. Not directly.</p> <p>23 Q. You say at paragraph 25 that offering support to</p> <p>24 complainants has always been a key feature of</p> <p>25 the historical abuse team's work. From your knowledge</p> <p style="text-align: center;">Page 124</p>

<p>1 of what is offered, what kind of support does the team 2 provide?</p> <p>3 A. The team have been there for people at difficult times, 4 sort of, in their life; they have offered direct sort of 5 personal support; they have tailored the support based 6 on the needs of the individual victims that they have 7 been working into. So it has been quite varied, the 8 level and the nature of support, and it's been in 9 response to individuals' needs. It's very much 10 a social-work-assessed, based-on-need approach that the 11 historic abuse team have taken.</p> <p>12 Q. You mentioned earlier, Mr Edwards, what I am going to 13 paraphrase as a tension between, on the one hand, the 14 need to respond to what was happening and, on the other 15 hand, the necessity, given your responsibility for 16 children in Nottinghamshire, to ensure that fieldwork 17 was being carried out properly, that cases were being 18 properly allocated. How was that tension resolved, if 19 at all?</p> <p>20 A. Well, certainly dealing with today's children was 21 resolved much better when we had a dedicated team 22 dealing with historic abuse cases, and I think we also 23 successfully worked through a lot of the issues that we 24 had in progressing safeguarding concerns. 25 Rachel's, quite rightly, a very sort of passionate</p> <p style="text-align: center;">Page 125</p>	<p>1 person who has real strong social work principles, and 2 I can understand what she was saying. Equally, I think, 3 as organisations, we work together with the correct 4 principles to progress police prosecutions and social 5 work intervention.</p> <p>6 Q. Although in your second statement you told the inquiry 7 that you have no direct involvement with the survivor 8 support service, from what you were aware of 9 the historical abuse team's work, were referrals to that 10 service made automatically by the team?</p> <p>11 A. By the police, did you say?</p> <p>12 Q. By the team.</p> <p>13 A. Yes, yes, the team, it took its referrals and worked 14 successfully, yeah.</p> <p>15 Q. Paragraph 26, please. This is in relation to accessing 16 records as a result of civil claims. Does the team play 17 any part in helping complainants access their records?</p> <p>18 A. Yeah, it will help with subject access requests.</p> <p>19 Q. Again, I think, reminding myself, that evidence we have 20 heard again from Rachel Morton this morning?</p> <p>21 A. Yes, I think so.</p> <p>22 Q. It's been suggested by one witness we are hearing later 23 this week that files are deliberately being moved around 24 between storage facilities in Nottingham, the 25 implication being that this is for the purpose of</p> <p style="text-align: center;">Page 126</p>
<p>1 preventing survivors from gaining access to their 2 records, and the suggestion that she makes is that, 3 effectively, it means that insurers are stalling on 4 claims, is what her evidence comes down to. To your 5 knowledge, is there any basis for such a claim?</p> <p>6 A. To my knowledge, no basis whatsoever.</p> <p>7 Q. There is just one issue before we move on that I wanted 8 to take you to. You set out at page 7 the steps that 9 you have taken to reassure staff about what has come out 10 of the historical abuse team's work. You say at 11 paragraph 30 they should never be complacent. You say 12 that they should think the unthinkable. You talk of 13 the training that has been given, the wider 14 organisational learning. You say:</p> <p>15 "I have engaged with three survivors of abuse who 16 have presented at managers meetings; staff days ..."</p> <p>17 Over the page we see where else. You set out what 18 the key messages are. Those involved in those meetings, 19 do they include independent fostering agencies? Have 20 you invited them to attend those meetings?</p> <p>21 A. Not yet. Not independent -- no, so far it's been 22 meetings with our internal fostering service, the whole 23 management team, which is probably about 120 people. We 24 have done that twice. We have had service days where 25 the whole staff are invited, which is about 1,400</p> <p style="text-align: center;">Page 127</p>	<p>1 people. They are two sort of half days. We have done 2 it twice and they are doing it again with the newly 3 qualified social workers. I'm really, really grateful, 4 actually, for the people that have volunteered to work 5 with us on that, and we're looking at sort of expanding 6 that offer, because it is incredibly powerful for people 7 to hear first hand about what may have been done 8 differently to prevent people sort of being abused.</p> <p>9 Q. Mr Edwards, we understand from some of the evidence 10 that's been before the inquiry that IFAs have been used 11 by the county council for now, I think, over a period of 12 15 years at least, and some accounts raise concerns 13 about the level of supervision of IFAs. In answer to my 14 question a moment ago, it appeared that it wasn't 15 something that you'd considered necessary to have them 16 attend?</p> <p>17 A. We will do. What I'm absolutely clear about that we 18 have done is, all those children in IFA placements have 19 their own social worker and those social workers have 20 met with the victims of abuse and have been involved in 21 the briefings that I've given and have been told to be 22 aware and to think and to think the unthinkable and to 23 open their eyes and to not be afraid to challenge. 24 Very, very clear that in an organisation that I'm 25 responsible for, people won't be criticised for</p> <p style="text-align: center;">Page 128</p>

<p>1 challenging. So I think ... 2 Q. We know also that the high percentage of children in the 3 care, or the looked-after children in Nottinghamshire 4 and in foster placements, have foster carers been to 5 these meetings, to these seminars? 6 A. Yes, I believe foster carers, they have. We had 7 a foster carer meeting with the foster caring 8 supervising social workers probably a couple of months 9 ago. I'm not suggesting that absolutely every one of 10 our foster carers has attended, because that isn't the 11 case. 12 Q. Later on in your statement -- we don't need to bring it 13 up -- at paragraphs 147 to 158, you set out the process 14 of how cases are allocated to the historical abuse 15 team -- again, Ms Morton explained that to us -- but you 16 also set out the process of apology. Is the way that 17 you frame apologies guided by the council's lawyers? 18 A. No. The way that social workers give apologies is 19 guided by social work ethics -- 20 Q. I'm asking you, Mr Edwards, what you do. You've written 21 letters of apology? 22 A. Yes, I've written, yeah. 23 Q. When you come to frame those letters of apology, does 24 the draft need to go before your lawyers or insurers? 25 A. No. No.</p> <p style="text-align: center;">Page 129</p>	<p>1 Q. So the words of those apologies that someone might read 2 in that letter signed by you are your words? 3 A. Yes, absolutely. 4 Q. Can we look, then, please, at civil litigation claims 5 against the council. This you deal with at 6 paragraph 55, please. You say that your involvement of 7 civil litigation claims in your position as service 8 director has been very limited. You say that when you 9 have been involved, your role has primarily been to 10 provide advice on practice. Is that with reference to 11 social work practice going back over the years? Is that 12 what you mean? 13 A. That has been very limited, but, yeah, that's the gist 14 of it. 15 Q. Paragraph 56, please. You say: 16 "... I have encouraged and offered support to 17 individuals to make claims." 18 In what cases have you done so? 19 A. Well, there have been sort of three or four cases where, 20 through the historic abuse team, we have asked them to 21 undertake chronologies so that the victim can take that 22 to an independent solicitor and then get independent 23 legal advice and to support the claim. 24 Q. Mr Edwards, in your statement you deal with issues in 25 the first person, and it is your experience of this that</p> <p style="text-align: center;">Page 130</p>
<p>1 I want to know rather than what others may have done. 2 So you say: 3 "At times, I have encouraged and offered support to 4 individuals to make claims." 5 A. Yes. 6 Q. One could take from that you have been directly involved 7 in that process; is that right? 8 A. Yes, I have been absolutely directly involved on three 9 or four occasions, people have been to see me, I have 10 listened to their story, I have then got in contact with 11 the historic abuse team, I have asked them to undertake 12 some detailed chronology work so that they can access 13 support. 14 Q. The reference there to your offering support, what has 15 been specifically offered by you? 16 A. Well, as well as helping access legal support, we have 17 also, on occasion, offered counselling sessions to 18 individuals. 19 Q. In the first week of the inquiry, indeed, we heard 20 evidence from one individual who met you directly and to 21 whom you set up counselling, and then the same 22 individual returned to you when that came to an end and 23 you regenerated the counselling, as it were. 24 A. Yes. 25 Q. Has your encouragement to individuals to make claims</p> <p style="text-align: center;">Page 131</p>	<p>1 been met by the county's insurers and legal advisers 2 with some irritation? 3 A. If they are irritated, they haven't mentioned that to 4 me. 5 Q. Just so that we are clear about this, when you're saying 6 "making claims", you're not simply referring to criminal 7 injuries claims? 8 A. No, civil claims. 9 Q. But you're saying civil claims against your employers? 10 A. Yes. 11 Q. Can we look back, please, at paragraphs 11 to 15. This 12 is your involvement in the Fostering Panel. From 2002 13 to 2007, you were chair of Nottinghamshire North 14 Fostering Panel and, as you explained to me a moment 15 ago, Mr Edwards, that was in parallel with your other 16 responsibilities. You set out the role of 17 the Fostering Panel. Again, the inquiry has heard 18 a good deal of evidence about that. 19 Can we go to placement panels and teams and to the 20 use of IFAs. This is something that you discuss at 21 paragraphs 63 to 70 of your statement. If it assists, 22 it starts at page 13. You identify the advantages and 23 disadvantages of IFAs. This starts at paragraph 69, 24 please. Could you help the inquiry with this: at 25 today's date, what percentage of looked-after children</p> <p style="text-align: center;">Page 132</p>

<p>1 are in out-of-county placements? 2 A. It's 14 per cent and 15 per cent, including children 3 that are placed for adoption. 4 Q. And -- 5 A. Sorry, that isn't quite true. Actually, I have just 6 given you the figure for children that are placed more 7 than 20 miles away from their home. So 15 per cent of 8 the children that are in care are placed more than 9 20 miles away from their home address. In a county the 10 size of Nottinghamshire, you could be within county, but 11 60 miles away, but that's a more useful -- 12 Q. I may have misunderstood evidence that the inquiry has 13 already heard, but I thought the aspiration was that 14 children be placed within a 20-mile radius? 15 A. Yes, and 85 per cent are. 16 Q. What accounts for the 15 per cent not? Why are they 17 placed outside? 18 A. Well, some of them are there for particular reasons -- 19 child sexual exploitation; one of them is in a home in 20 Devon, which is a therapeutic community for children who 21 have sexually harmful behaviour. Sometimes it is 22 difficult to identify placements for children. But our 23 percentage of children that are placed more than 24 20 miles away from home is in line with the 25 East Midlands average, the England average and our</p> <p style="text-align: center;">Page 133</p>	<p>1 statistical neighbour average. 2 Q. So what you would like to inquiry to understand -- 3 I hope I'm not traducing your evidence -- is that where 4 children are placed outside the 20-mile radius, more 5 often than not, it will be for very specific, tailored 6 reasons? 7 A. More often than not, yes. 8 Q. So of that -- 9 A. One of those reasons might be it's very difficult to 10 find a foster placement for that child. 11 Q. Do you have any concerns that those children 20 miles 12 beyond the radius are getting adequate supervision and 13 the necessary level of visits? 14 A. I think that -- I'm not concerned about that. I am 15 concerned, sometimes, when there's a placement which is 16 out of county, it's much harder to get the right level 17 of health support. It's more complicated working on 18 a multi-agency basis to support children. 19 Q. Take the example of the child who is in Devon, I think 20 you mentioned, in a therapeutic environment here. How 21 often is that individual visited by their allocated 22 social worker, would you know? 23 A. I wouldn't know on that, but he will have a care plan 24 and that will be being adhered to. 25 Q. To what extent, at your level of seniority, do you check</p> <p style="text-align: center;">Page 134</p>
<p>1 on the visiting of children in foster placements beyond 2 the 20-mile radius, so that you can satisfy yourself 3 that those visits are being made regularly? 4 A. We have a vulnerable children in care meeting that takes 5 place once a month that I co-chair with the group 6 manager who is responsible for looked-after children, 7 and we do look at a lot of those cases and cases where 8 placements may be disrupting and where we have our most 9 challenging and difficult children. 10 Q. One issue -- this is a slight variation on a theme of 11 what we have been speaking about -- that the inquiry has 12 heard a lot of evidence about, including earlier this 13 week from Jayne Austin, is the role of the supervising 14 social worker. In 2013, she prepared a feasibility 15 study on whether supervising social workers should be 16 rotated to avoid them losing objectivity, effectively. 17 A. Yes. 18 Q. This was in the wake of all sorts of concerns, notably 19 in relation to the Mansfield fostering team, that those 20 social workers, or support workers as they used to be 21 called, had grown too close to the foster carers. The 22 decision made of that feasibility study was that this 23 should be subject to management oversight rather than 24 rotation. Are you aware of the feasibility study and 25 that issue?</p> <p style="text-align: center;">Page 135</p>	<p>1 A. Absolutely, and a recommendation came from the Gallagher 2 Serious Case Review and it was something that was very 3 carefully considered. 4 Q. Having said that it was very carefully considered, are 5 you comfortable with this decision, so the decision has 6 ended up with, as it were, management oversight rather 7 than regular rotation? 8 A. Yes, I am. I need to put that into some context -- 9 Q. Of course. 10 A. -- to sort of explain. I think our fostering service 11 and the failings that happened in Mansfield weren't 12 because people weren't swapping role every two years. 13 I think there was a failure of that particular part of 14 the service, at that time, to do its job properly. 15 I think that changing every two years actually won't 16 solve everything. What you've got to change is the 17 culture in that team, in the service and in the 18 department. People have got to start thinking 19 differently. So I think we need, in Nottinghamshire, to 20 focus, and have focused and will continue to focus, more 21 on cultural change rather than on another piece of 22 policy. You can have people changing every two years, 23 every six months. If they weren't looking and thinking 24 the unthinkable, it wouldn't make the slightest bit of 25 difference.</p> <p style="text-align: center;">Page 136</p>

<p>1 Q. We know this feasibility study is dated 2013. We know 2 that what was implemented was the oversight review. 3 That's now five years past. To what extent has that 4 decision been evaluated?</p> <p>5 A. It's been looked at. It's being reviewed now again in 6 one of the district teams. Another thing that we've 7 done, the team managers used to do reviews, annual 8 reviews, and reviews after allegation. We have changed 9 that. We have got two independent fostering reviewing 10 officers now who do that separate from the role of 11 the team manager. So I think it is absolutely the case 12 to say we have more checks and balances now in the 13 fostering system and a different way of holding our 14 fostering service and our fostering service team 15 managers to account.</p> <p>16 Q. Again, bringing up the issue of the IFAs, has that been 17 rippled out to them as well? How are they supervised in 18 the way that they run the choice of foster carers that 19 they allocate?</p> <p>20 A. IFAs are responsible and are regulated through Ofsted 21 and they would supervise their own fostering supervising 22 workers. It isn't the responsibility of the council.</p> <p>23 Q. But, Mr Edwards, I understand that, but the children 24 that are placed in IFAs are children in the care of 25 the council. Isn't there another layer of</p> <p style="text-align: center;">Page 137</p>	<p>1 responsibility that the council has towards those 2 children, notwithstanding that they're using IFAs?</p> <p>3 A. The council sees those children regularly through the 4 looked-after social worker. All those children have an 5 independent reviewing officer that should -- that does 6 see them on a regular basis, sees them in between 7 reviews. They have all got the right to have access, if 8 they want it, to an independent advocate.</p> <p>9 The placements -- when we look at an IFA placement, 10 we do it through -- it is in the statement -- the 11 East Midlands Commissioning framework. They use good 12 and outstanding providers to look after children. And 13 they also do regular monitoring visits as well. So 14 there are checks and balances. Our use of IFAs isn't 15 a lot different than anyone else's use of IFAs, 16 actually, which I think is a real feat, given that our 17 looked-after numbers from 2009/'10 to today have 18 doubled. They doubled in three years, from 2009 to 19 2011. So to keep a relatively stable number of IFAs 20 I think is a real achievement. For some children, 21 actually, IFAs is a good placement. It isn't the case 22 that all IFA carers are less good -- wrong term -- than 23 council placements. You only have to look at our recent 24 past to identify that not always are council placements 25 good.</p> <p style="text-align: center;">Page 138</p>
<p>1 Q. Looking at a different issue, which is to do with 2 fostering panels, in your statement between 3 paragraphs 79 and 83, you deal with a case of what you 4 describe as conflictual deregistration. This is the 5 Fostering Panel having to decide between, on the one 6 hand, the views of a fostering couple where allegations 7 of abuse have been made and, on the other hand, the view 8 of the team management in relation to that fostering 9 couple, the latter wanting deregistration and the 10 fostering couple saying why they shouldn't be.</p> <p>11 In that scenario, the agency decision maker has 12 a role to play and, in that particular case, they 13 followed the recommendation of the Fostering Panel, that 14 the couple should be deregistered.</p> <p>15 A. Yes.</p> <p>16 Q. In your experience, does the agency decision maker back 17 the Fostering Panel?</p> <p>18 A. I think in 99 per cent of the time, it's likely that the 19 Fostering Panel and the agency decision maker will reach 20 the same conclusion.</p> <p>21 Q. Paragraphs 84 to 111, please. This is where you are 22 asked for your views on particular aspects of 23 the Patrick Gallagher case; again, an episode that the 24 inquiry has heard a good deal of evidence about. 25 We know from the Serious Case Review that Mr and</p> <p style="text-align: center;">Page 139</p>	<p>1 Mrs Gallagher, in October 2006, had written to the 2 fostering service indicating their intention to resign. 3 You explain at paragraph 86 that the Fostering Panel 4 recommended that this should not be allowed and that 5 they should be instead conflictually deregistered so 6 that if they applied to foster elsewhere, the 7 allegations about them could be shared. Was this 8 practice of not simply accepting resignations applied to 9 other cases?</p> <p>10 A. When there was an allegation and a concern, like in the 11 Gallagher case, yes, it was.</p> <p>12 Q. From your direct experience -- again, you may not know 13 the answer to this -- when did fostering panels start 14 doing that, where foster carers may write in, aware that 15 a Fostering Panel was going to meet, saying, "We no 16 longer want to foster". When did the Fostering Panel 17 start saying, "We are going to go ahead with a meeting 18 nonetheless"?</p> <p>19 A. I don't know. It was always the case that we would do 20 that when I was the chair of a panel. I don't know 21 previous to that.</p> <p>22 Q. Following Patrick Gallagher's admission of 23 the offences -- I think this is in about 2010 -- you 24 tell the inquiry at paragraph 90 that you commissioned 25 two external independent reviews. One was a review of</p> <p style="text-align: center;">Page 140</p>

<p>1 the social care files, which you describe at 2 paragraph 90, as I say. You also commissioned a social 3 care independent management review. In relation to both 4 reviews, you say that they didn't reveal any significant 5 practice shortcomings to indicate that children and 6 young people were left knowingly unsafe whilst in 7 placement with Mr Gallagher. Had you ever previously 8 commissioned this sort of external independent review in 9 other cases? 10 A. In terms of fostering, I don't think so. There was 11 another allegation immediate -- well, about a year after 12 Gallagher that -- 13 Q. F77, which we are familiar with. 14 A. -- I did commission a review. But I very regularly 15 commission independent review across a whole range of 16 services. 17 Q. By "independent", what should the inquiry understand? 18 What does "independent" mean -- 19 A. Someone external from the council to have a look at the 20 work that we're doing to assess independently the 21 quality of it. 22 What is absolutely important to me is that we don't 23 get into a culture of group think that thinks, 24 "Actually, we're doing really good here". I think some 25 parts of the fostering service thought for a time that</p> <p style="text-align: center;">Page 141</p>	<p>1 they were doing better than I did, and sometimes I think 2 in my role, and my level of responsibility, it's 3 absolutely the right thing to bring some external review 4 in, and that can be a peer team from another council, it 5 can be consultants or it can be experts in another 6 field. But it's a really useful way of testing what you 7 are thinking about. 8 Q. What you want the inquiry to understand is that those 9 external reports are indeed external. They are external 10 to the county council? 11 A. Yes. Paid for by the county council but from an 12 external provider. 13 Q. We know, Mr Edwards, that six looked-after children 14 placed with Mr Gallagher made complaints of sexual abuse 15 against him that resulted in criminal charges. We know 16 that that occurred only after 2010. How do you 17 reconcile the fact that so many foster children had been 18 abused in his care with the fact that there were no 19 significant practice shortcomings identified in these 20 reports? 21 A. Well, that's covered, I think, in real detail in the 22 Serious Case Review that was commissioned. 23 Q. But, again, I'm sure it's a question that you will have 24 asked yourself at the time, and, yes, there has been 25 a Serious Case Review, but what's your view as to how</p> <p style="text-align: center;">Page 142</p>
<p>1 that was allowed to happen? 2 A. When you say "allowed to happen", I don't think it was 3 allowed to happen. I have reservations -- 4 Q. Poor choice of words, I'm sorry. 5 A. Okay. I have reservations about 2006. Could we have 6 done more at the time that Patrick Gallagher encouraged 7 a child to watch pornography? Could we have interviewed 8 all the children that were involved rather than the 9 children that were involved at the time? I wish now, 10 with all my heart, that we had, but we didn't. I think 11 the Serious Case Review found that, at the time, that 12 was a proportionate response. We would have handled it 13 different now. It was a review that was led by 14 the fostering service to start off with, and I think the 15 poor lad was spoken to about that incident on four 16 separate occasions. But in the end, that's all we knew 17 in 2006, and I think -- I do agree that it was 18 a proportionate decision that was made at that time, 19 even though it's regrettable now. 20 The Serious Case Review, and I agree with it, and my 21 personal view is, talks about how difficult it was for 22 those boys to talk about their abuse. They weren't boys 23 that were at the Gallaghers, all of them, all of 24 the time. Some of them were abused when they were 25 having just respite care. So they had their own sets of</p> <p style="text-align: center;">Page 143</p>	<p>1 foster carers. Some of them were in contact with their 2 families, they were in school, they had personal tutors, 3 some of them were having CAMHS support. Despite all of 4 that, they found it impossible to talk about it. 5 Some of the behaviour we might have missed and not 6 picked up on, but that was a whole sort of multi-agency 7 sort of issue, and it did highlight for me, that 8 particular case, just how difficult the job is, and it 9 reinforces that view that I've got that you really do 10 have to think the unthinkable and be prepared to look 11 and challenge, and what we need to do is support our 12 staff to be able to do that. 13 Q. You discuss the findings of the SCR, and some of the key 14 recommendations included the need for availability and 15 use of advocacy arrangements and independent people for 16 looked-after children; the need for the views of 17 children and young people's views, wishes and concerns 18 to be included in the annual review of foster carers; 19 and ongoing support needs of boys who have been sexually 20 abused. At paragraphs 103 to 111, you summarise the 21 steps that were taken to act on these recommendations. 22 Can we go, please, to paragraph 107. 23 A. Yes. 24 Q. This looks at reference to -- in the third line down -- 25 the response to children's changing behaviours, the</p> <p style="text-align: center;">Page 144</p>

<p>1 importance of continuing to encourage children to 2 express their views, wishes and feelings, particularly 3 at points of transition. 4 As at 2018, so as at today's date, do you think 5 there still remains an issue in foster care of 6 children -- of ensuring that children are seen alone? 7 Is there still a problem with that or is it something 8 that you feel satisfied has now been addressed? 9 A. I am satisfied now that children are seen alone, that 10 those visits are recorded on the file that children are 11 seen alone, and that's picked up by the social work team 12 managers in supervision, and we have business management 13 tools that will help us report and follow up if a child 14 hasn't been seen and hasn't been seen alone. So I'm 15 confident that, yes, it's happening, and when it doesn't 16 happen in the odd case, it's something that we can pick 17 up and act on. So it is better. But it isn't just 18 about seeing a child, is it? You know, you can see 19 a child. It's also about the quality of 20 the conversation and the interaction that you have with 21 that child that's really, really important. 22 Q. Two other issues that arise. At page 79 of the Serious 23 Case Review -- again, we don't need to go to it -- 24 what's noted at paragraph 392 is that "a particular 25 mind-set predominated in the overall management of</p> <p style="text-align: center;">Page 145</p>	<p>1 the 2006 inquiry" -- in fairness to you, you have 2 already spoken about that -- "characterised by giving 3 a lower inference to the possibility that disclosure of 4 pornographic material was indicative of possible more 5 serious concerns and abuse". 6 Have steps now been taken to raise awareness amongst 7 those managing allegations that the use of pornographic 8 material may be a gateway to abuse? 9 A. Yes. That was done immediately after the Serious Case 10 Review, and the sort of risk, I think, now, of that harm 11 outside of the family and through the internet and 12 through social media and the access to pornography, 13 I think social workers are massively more aware of than 14 they were at the time of the Gallagher case. 15 Q. Without breaching any confidentiality, are the Gallagher 16 victims still able to access support from the 17 county council? 18 A. Yes. 19 Q. Can we turn, then, please, to looking at harmful sexual 20 behaviour between children. This you deal with at some 21 length starting at paragraph 173 to paragraph 180. We 22 are going to look at one particular case that you have 23 been asked to address. You describe in these pages the 24 early evolution of policy. To what extent do you think, 25 from your experience, that practice on the ground was</p> <p style="text-align: center;">Page 146</p>
<p>1 advancing the policy developments you set out? Was 2 there a disconnect between policies coming out and how 3 people were responding, those in -- residential social 4 workers and social workers themselves? 5 A. I think at times there absolutely has been a disconnect 6 between policy that's been produced in 7 Nottinghamshire -- I guess everywhere, actually, and how 8 individuals perform on a day-to-day basis. I wouldn't 9 disagree with that. 10 Q. At paragraph 189, you describe how the county is 11 piloting a Harmful Sexual Behaviour Panel. You say at 12 paragraph 190 that the first meeting was held 13 in June 2018 and that the panel's work will be reviewed 14 in December 2018. You say the purpose of the panel is 15 to provide advice oversight in cases where harmful 16 sexual behaviour is recognised to have been abusive. 17 Does this suggest that in certain cases harmful sexual 18 behaviour isn't recognised? 19 A. I think it's always the case that we could do better. 20 I think all -- expert evidence now says that harmful 21 sexual behaviour amongst children is difficult to 22 assess, and I do think we are getting better at 23 evidencing it. Actually, I think it's something that we 24 are self-critical about. There was an audit that was 25 done fairly recently that was critical of our approach.</p> <p style="text-align: center;">Page 147</p>	<p>1 It looked at I think it was ten cases and raised some 2 issues about the quality of the intervention, and 3 I welcome that. I think that we should be sort of 4 self-critical. That audit, it also identified some good 5 practice, actually. 6 Q. It did. It is an audit we looked at with Chris Few on 7 Monday. I took him to various bullet points there. But 8 this was an audit that was provided in June of this 9 year, and it described a level of drift in identifying, 10 responding to harmful sexual behaviour; it described 11 this mismatch between social work staff; it described 12 discussions between police and Children's Services not 13 consistently taking place in line with guidance; local 14 authority staff slow to advise relevant health 15 professionals; children's social care inappropriately 16 conflating police bail and prosecution decisions; there 17 were some concerns regarding the recognition of online 18 safety and legality of issues; and, you're right, there 19 was evidence of very good work by schools in identifying 20 harmful sexual behaviour, evidence of escalation 21 processes being used effectively. But, nonetheless, one 22 has to recognise that that audit shows up criticisms, 23 despite the number of policies and training in place. 24 Why do you think those issues were being identified 25 as recently as this summer?</p> <p style="text-align: center;">Page 148</p>

<p>1 A. Because we're an organisation that is self-critical and 2 wants to improve. That audit doesn't say, I don't 3 think, anywhere that I have read, that children were 4 left at risk, that children weren't in care that should 5 be in care. So, you know, if you're going to be an 6 organisation that learns, you're going to have to 7 challenge yourself as critically as possible. The NSPCC 8 audit that was done in 2016 that led to that, I'm only 9 aware of two councils that have ever published 10 anything -- that have ever done that audit, 11 Nottinghamshire being one of them, Devon the other. 12 So I think that puts us at the forefront of actually 13 being reflective. 14 The two looked-after cases that are mentioned in 15 that audit, if you look at the individual audits there, 16 they're graded as good. So there needs to be, I think, 17 a little bit of balance when you look at an audit of ten 18 cases like that from an organisation that -- and that 19 report was meant -- it's fine to share it, we put it 20 through and made it public through the Safeguarding 21 Board, and I would always do that, but essentially, it's 22 an internal audit for me and for my colleagues across 23 the partnership, because it was actually a multi-agency 24 audit, to try to make things better. 25 So, yes, there absolutely were things that we could</p> <p style="text-align: center;">Page 149</p>	<p>1 do and could do differently and get better at, but 2 there's also a lot of good work in there, and if you are 3 self-critical, you will identify drift and things like 4 that and things that you could get better. 5 I say absolutely the right thing to do, to be 6 self-critical and be reflective. 7 Q. Can we go to paragraphs 193 and 194 of your statement, 8 please. This is an issue that goes a little further 9 than those children who have been harmed through the 10 sexual behaviour of other children, but it includes them 11 because they will be categorised as children who have 12 been sexually abused. 13 You state at paragraph 194: 14 "When a social worker is seeking a placement for 15 a child, a placement request pro forma is completed 16 which refers to any harmful sexual behaviour which has 17 taken place." 18 Is this document ordinarily provided to the proposed 19 placement home, would you know? 20 A. I think so. There's a placement request pro forma which 21 goes through to the placements team that helps to look 22 for placements. There's also the risk assessment that's 23 done that would go to the foster home or residential 24 home. 25 Q. Is the same type of pro forma completed for children who</p> <p style="text-align: center;">Page 150</p>
<p>1 have been the victim of sexual abuse prior to coming 2 into care or in a previous local authority placement? 3 A. I think the form would always be completed, and the 4 assessed needs of the child should be on the form. So 5 if they'd been abused, sort of, previously. 6 Q. It's my mistake, Mr Edwards. I didn't wait patiently 7 for your answer. 8 A. Sorry. 9 Q. No, no, you have no need to apologise. My first 10 question was directed at whether the carers get access 11 to the form and see the information there? 12 A. Yes, I think they do, yes. 13 Q. So in that case, what steps are taken to guard against 14 the risk that that information potentially, in rare 15 cases, one hopes, can then be exploited by a foster 16 carer because it identifies a particular vulnerability 17 of a child? How does one calibrate the safeguards 18 there? 19 A. So you mean that -- 20 Q. So you have the foster carers who have access to this 21 information about previous sexual abuse, about abuse by 22 other children, perhaps, and they're given -- 23 A. So you mean that the council would potentially let 24 a possible paedophile know that the child was more 25 vulnerable to sexual -- is that where you're going with</p> <p style="text-align: center;">Page 151</p>	<p>1 that? 2 Q. That's where I'm going. It's just to know how those 3 risks are guarded against. I recognise that you would 4 say that risks are kept at a minimum, one can never 5 totally eradicate abuse. I don't know, you may not 6 think that. But how does one ensure -- 7 A. I think that is -- you have got to be, I think, open and 8 honest with the people that you put in a trusting 9 position, and they have got to know as much information 10 about that child as possible, because, you know, no 11 foster family or residential home lives in isolation, 12 and 99.9 per cent of families have contact and 13 involvement with the wider community and other children. 14 So to place a child who may be more vulnerable to abuse 15 or to be a potential abuser of children without giving 16 the home or foster carers that information I think would 17 be wrong. 18 Q. Can we turn to a particular case of harmful sexual 19 behaviour occurring as recently as 2015, something you 20 deal with at paragraph 198 and on. There you describe 21 that, in your role as a service director, you say the 22 expectation is that along with the corporate director 23 you will be notified of cases of harmful sexual 24 behaviour that meet the threshold for serious incident 25 notification to Ofsted.</p> <p style="text-align: center;">Page 152</p>

<p>1 What is that threshold? Is it the fact of harmful 2 sexual behaviour having been committed that is enough to 3 reach the threshold of notification? 4 A. It should be, yes. Yes. It's the same level as -- in 5 this -- this is a good example. In this case, there was 6 an immediate notification to Ofsted, a serious incident 7 notification. On that occasion, that should have been 8 shared with me and my colleague, the corporate director, 9 and it wasn't. 10 Q. Which is what we're going to talk about. You set out 11 the case. It involved the sexual assault of 12 a 14-year-old boy, NO-A588, placed in a children's home 13 in May 2014, and the abuse was perpetrated by another 14 male resident. You note at paragraph 201 that the 15 incident took place despite it being clear in the 16 complainant's risk assessment that the other male 17 resident ought not to be allowed in his room 18 unsupervised. Later on, at paragraph 208, you note that 19 an independent investigator's report into the incident 20 was subsequently commissioned, completed in October. In 21 the report, it was noted that following the incident: 22 "The manager of the home made some changes to how 23 the risk assessment documents were [to be completed]." 24 You say at paragraph 210: 25 "It was regrettable that the incident of harmful</p> <p style="text-align: center;">Page 153</p>	<p>1 sexual behaviour had not been escalated to the service 2 director as it should have been." 3 You say, "managers should have done more at the time 4 to be transparent and raise the profile of this 5 incident". Can we assume that you looked into why this 6 hasn't been escalated? 7 A. Yes, it was escalated to the group manager. 8 Q. Why hadn't the group manager passed it on to you? 9 A. She hadn't thought -- it was a human error. She hadn't 10 thought it necessary. So a lot of the things that 11 happened in this case after the mistake and the 12 appalling incident actually worked well. Ofsted were 13 informed immediately through a serious incident 14 notification; the police were informed immediately; the 15 child was protected immediately; the perpetrator of 16 the abuse was prosecuted. 17 What went wrong in this case was the failings that 18 led to the two children, despite their risk assessments, 19 being in the same room at the same time, which I think, 20 in the end, was an error from an agency worker who was 21 on night shift -- and that's my responsibility, I'm not 22 blaming that individual sort of alone, although, you 23 know, he should take a lot of the consequence for that. 24 What I think went wrong was with that group manager 25 not letting me know about it. I think we could have</p> <p style="text-align: center;">Page 154</p>
<p>1 done more sooner to remind the other homes of the need 2 for absolute vigilance in circumstances like that. 3 Q. Just to be clear, Mr Edwards, did all the steps that you 4 have described take place before you learnt of this or 5 after you learnt of it? 6 A. No, I'm satisfied that the actions that had been put 7 into place actually had happened when I sort of learnt 8 about it, and I learnt about it because I got a letter 9 from the advocate of the young person. He'd moved out 10 of the area, so we were then able to take the time, 11 through the group manager and then the corporate 12 director, to write to him and support him, and he's 13 another example of someone who we're helping at the 14 moment to progress a civil claim. 15 Q. Did you have any concerns or residual concerns that such 16 was the gravity of the mistake, effectively allowing one 17 child into another child's room, as you have described 18 it, and maybe, as I have understood your evidence, that 19 mistake to have been made by an agency worker, did you 20 have any residual concerns that the reason it wasn't 21 escalated was because of your position of seniority, 22 that people simply didn't want you to know that such 23 a mistake had been made? 24 A. No, I honestly don't think so. I think if there'd have 25 been concerns about that, then perhaps Ofsted might not</p> <p style="text-align: center;">Page 155</p>	<p>1 have been notified, because I do speak to Ofsted on 2 a very regular basis. So I just think it was a mistake. 3 I think, had the worker not been an agency worker 4 who we immediately never worked with again and reported 5 to the professional bodies, that agency worker would 6 have been subject to disciplinary processes if he was 7 our employee. 8 Q. That was my next question to you. 9 A. Sorry. 10 MR SADD: Don't apologise. 11 Chair, I recognise it is now 3.00 pm. With your 12 permission, would it be possible to continue to 3.15? 13 THE CHAIR: Yes, we can continue. 14 MR SADD: You say at paragraph 211, please, Mr Edwards, that 15 you are confident that if a similar situation were to 16 arise now, it would be escalated appropriately. Can 17 I play back to you what it was you said a moment ago as 18 to why it wasn't escalated, was you put that down to 19 a mistake, so ordinary human error. 20 A. Mmm. 21 Q. How does one ensure or minimise the risk of human error 22 occurring? So what gives you confidence that the same 23 mistake wouldn't happen now? 24 A. I think I and the corporate director now are much more 25 visible and are much more clear about our need to get</p> <p style="text-align: center;">Page 156</p>

<p>1 that information through to us. It's part of our policy 2 and procedure. That doesn't always mean that people 3 will act. But I think we've raised the profile of 4 needing to know, and that's why I'm much more confident 5 that, should that happen again, I would be notified. 6 Q. Since 2014, have there been any other incidents where 7 you haven't been notified? 8 A. That's a bit of a known -- unknown question, sort of, 9 isn't it? 10 Q. What I should have added to that question -- you're 11 right, Mr Edwards. 12 A. Sorry. 13 Q. No, no, you're right, I didn't finish the question. It 14 should have been, have there been other incidents which 15 haven't been escalated initially and which you have only 16 learnt of subsequently? 17 A. There's an issue that we need to be better at when 18 incidents are reported in -- 19 Q. Mr Edwards, that's not the answer to my question: have 20 there been other incidents in which you have only learnt 21 subsequently -- 22 A. Yes, sorry, I was going to explain the sort of context 23 of what I know. Serious incident notifications come 24 from private home providers. I'm aware that on at least 25 one occasion I wasn't aware that the private home had</p> <p style="text-align: center;">Page 157</p>	<p>1 notified Ofsted. I think there's more work to be done 2 in that area. 3 Q. Finally, so far as my questions are concerned, can we 4 look at issues to do with child sexual exploitation and 5 children missing. You discuss this at pages 34 to 37 of 6 your statement. Although it is strictly, Mr Edwards, 7 outside the scope of the investigation, the panel has 8 heard evidence of looked-after children missing, being 9 exploited, and you set out in your statement the 10 measures that have been taken and the policies in place. 11 How challenging is it for you to evaluate the 12 measures that have been taken to assess their level of 13 success? So you say that this has been addressed. How 14 does one begin to assess whether that's been successful, 15 how does one measure success? 16 A. Well, it's a while ago now, but the most recent 17 independent Ofsted inspection that looked at children 18 who go missing and children who are at risk of child 19 sexual exploitation actually highlighted that that was 20 a strength in Nottinghamshire. It's on paragraph 161 of 21 page 33. It's a quote from Ofsted there. And I think, 22 without being complacent, I think we have done more 23 since then to do that. So we monitor return visits for 24 children that go missing to make sure that the level of 25 support that we offer is maintained; we're transparent</p> <p style="text-align: center;">Page 158</p>
<p>1 about reporting when children are missing and considered 2 vulnerable. By no stretch of the imagination do 3 I report all missing episodes to members, but when it 4 involves younger -- most cases of children that go 5 missing are found within four hours. So we don't report 6 them. But younger children that go missing, children 7 who go missing for a longer period of time, we have 8 a policy and a practice in place where we work with the 9 police to alert social media and the media. Also, 10 I share that information with the county councillors. 11 We do joint work with the police now. We have the MASE 12 meeting that looks at strategic police intelligence 13 about CSE. So there are a lot of things that we do. We 14 do regular audits that are reported to the Safeguarding 15 Board. I report CSE and missing twice a year to 16 members -- 17 Q. I apologise for cutting across you. 18 A. Sorry. 19 Q. No, no, you are setting out all the steps that have been 20 taken, and this you would like to inquiry to understand 21 is the process of evaluation of whether those steps are 22 a success. Is that -- 23 A. Yes, being transparent, being open about it, doing 24 regular audit work through the Safeguarding Children 25 Board and through children's social care quality</p> <p style="text-align: center;">Page 159</p>	<p>1 management framework, we audit at least 5 per cent of 2 the social care casework every quarter in 3 Nottinghamshire. 4 Q. I have got a series of questions that I am asked to put 5 to you on behalf of complainant core participants. Some 6 of the complainants in week 1 raised the issue of 7 whether children in care, whether it be in residential 8 care or in foster care, have access to individuals to 9 whom they can raise concerns. What avenues do children 10 have today to raise concerns about their care? 11 A. Children have access to an independent advocacy service 12 that we commission through NYAS, so when children come 13 into care, they are given a whole range of documents, 14 including the contact details for NYAS and how to have 15 an independent advocate. That's picked up by the 16 independent reviewing officer, the child's social worker 17 and the supervising social worker if it's a foster 18 placement. So every child in Nottingham, if they want 19 one, has access to an independent advocate. 20 Q. But if they don't want one at the time, how do they know 21 that it's available? 22 A. That's the role of the social worker, to remind them. 23 So, you know, we talked earlier about social workers 24 seeing children on their own and developing 25 a relationship with them. The role of an independent</p> <p style="text-align: center;">Page 160</p>

<p>1 advocate is, and should be, one of the things that's 2 regularly sort of discussed with those children. 3 Q. Just a practical issue: does it follow that those 4 children in care have mobile phones, if they need to 5 make contact? 6 A. It's a really good sort of -- it's an interesting 7 question, that, because what we do, some -- service user 8 a feedback, it's called "a message in a bottle". Some 9 of the practice -- social work practice consultants go 10 out and meet all sorts of children, children on child 11 protection plans, but looked-after children. One of 12 the social workers a couple of weeks ago had 13 a conversation with a looked-after child, a 10-year-old 14 who wrote to me two things that were really, really 15 important to her. One, she wanted to sit in the front 16 seat of the car, because she thought she had a right to 17 with her foster carers, and the second one was she 18 wanted a mobile phone. 19 I dealt with the front seat of the car bit fairly 20 easily, because she wasn't the height and size to go 21 into it. But I had a lot of conversations with the 22 foster carer, supervising social worker and the social 23 worker for the child, because there's a balance to be 24 had by giving a 10-year-old a mobile phone, particularly 25 a 10-year-old who has got parents who haven't been the</p> <p style="text-align: center;">Page 161</p>	<p>1 best of parents, hence her coming, and might interfere 2 with her placement. But we have agreed that with the 3 right support in place, that 10-year-old is going to get 4 a mobile phone for Christmas, which is much younger than 5 my children did, but it's separate. 6 So I think that, yes, children in care will have 7 access to mobile phones and the ability to contact NYAS 8 and get an independent advocate. We are about to 9 introduce a system called MOMO, which some councils use, 10 which is an interactive sort of web-based tool, so 11 children can speak to their social worker and others, 12 including independent advocates, better. 13 Q. Really finally, although there will be some questions 14 after mine from one core participant, it is something we 15 have already touched on. This was the issue of 16 the provision of counselling, which you became directly 17 involved in, which we heard evidence about in week 1. 18 Stepping back from that particular case, where the 19 council has agreed to provide therapy for complainants, 20 is this to be understood as an ongoing commitment? 21 A. Yes. Yes. So the counselling that I have been involved 22 in arranging, we initially said six weeks, see how it 23 goes, which is a fairly standard: get to know the 24 therapist, does the therapist feel there's a potential 25 to help the individual? And we have reviewed it on</p> <p style="text-align: center;">Page 162</p>
<p>1 about a six-monthly basis ever since. So the latest 2 review of the therapy I have organised for two people is 3 it will be at the end of the financial year that we will 4 review it again. As long as the therapist that's 5 working with those two people says it's in their 6 interests for that therapy to continue, we will continue 7 to support it. 8 MR SADD: Mr Edwards, thank you very much for your patience 9 with me. Chair, there are some questions that are going 10 to be posed directly by one of the core participants. 11 Examination by MR SULEMAN 12 MR SULEMAN: Thank you, Mr Sadd. Good afternoon, 13 Mr Edwards. I act for John Mann MP, and a core 14 participant known as Q1 to the inquiry. Q1 is also 15 known as NO-A20, and you discuss NO-A20 in your 16 statement from paragraph 147. So I would like to take 17 you to that, please, if I could. 18 A. Paragraph, what? Could you say that again, sorry? 19 Q. Paragraph 147. It is a section called "Response to 20 specific allegations in foster care in respect of 21 allegations of sexual abuse made against F184". 22 A. Yep, got it, thanks. 23 Q. Great. Just to summarise, this section relates to 24 a complaint made by NO-A20 in relation to historical 25 sexual abuse by his foster carers. As you note at</p> <p style="text-align: center;">Page 163</p>	<p>1 paragraph 154, a letter of apology was sent to NO-A20 2 in March 2016 following a review of his case files. 3 A. Yes, that was from me. 4 Q. Yes. At paragraph 151, you say: 5 "NO-A20 complained to his MP and on 11 May 2015 he 6 met with the children's service manager and a social 7 worker at the MP's office. Support was offered to 8 NO-A20 to help with his literacy and numeracy." 9 Now, you will be aware that the MP you speak of is 10 my client, John Mann? 11 A. Yes. 12 Q. And in this case, it was a result of NO-A20's abuse and 13 his being kept out of school that he was unable to read 14 or write? 15 A. Yes. Yeah, he ended up -- when he should have been 16 at -- in the 1960s and '70s, he should have been at 17 school and actually he wasn't, he was spending time 18 working in a foundry, as I sort of recall. 19 Q. My question -- I suppose the first question I want to 20 ask you is, where a complainant formerly in the care of 21 the council approaches a council then in relation to 22 sexual abuse suffered as a child, and assuming he or she 23 is not assisted by an MP, what steps are taken to assess 24 loss of education suffered by that complainant? What 25 system is in place to do that?</p> <p style="text-align: center;">Page 164</p>

<p>1 A. I think that would be -- it would be good social work 2 practice to assess an individual's needs and to 3 understand where those needs arose from, I would have 4 thought. So that case is a really good example, because 5 when we were contacted by the individual and his MP, we 6 did a very clear -- it was Rachel that did it, a really 7 good piece of work in looking at his care history, and 8 there was absolutely a direct correlation between his 9 foster placement, his lack of education and the 10 resulting literacy and numeracy issues. So in that case 11 I think it was absolutely the right thing that the 12 council supported him with adult literacy and, to extend 13 that answer, I would say if that were to arise in future 14 situations, then, yes, we'd do an assessment. If the 15 same set of criteria arose, we'd employ exactly the same 16 principles and support another individual. 17 Q. So can I take it from that answer that there is no 18 routine system to assess for loss of education for every 19 complainant that comes to the county? 20 A. No. No, there isn't. 21 Q. Do you accept that survivors of child sexual abuse can 22 experience significant loss of education and that can 23 affect prospects? 24 A. Yes. 25 Q. Just following up on that, do you accept that where</p> <p style="text-align: center;">Page 165</p>	<p>1 Nottinghamshire County Council has failed a child in its 2 care and it leads to significant loss of education by 3 that child, the council should be responsible for 4 providing free replacement education? 5 A. I think I've just said that, so yes. 6 Q. So my final question, that relates to exclusions from 7 schools in Nottinghamshire. John Mann is aware that 8 school exclusions are, in general, significantly higher 9 in Nottinghamshire than in most other parts of 10 the country, and in fact higher than they were in 11 Nottinghamshire ten years ago. In evidence to this 12 inquiry, we have also heard survivors talk about the 13 importance of schools in identifying child sexual abuse, 14 and the importance of disclosure by survivors to their 15 teachers -- you've mentioned that too. We have also 16 heard evidence that children excluded for bad behaviour 17 are more likely, rather than less likely, to have 18 suffered some form of abuse. 19 So with that in mind, what is the county's strategy 20 in relation to children in care for reaching excluded 21 children who are no longer being monitored by their 22 schools? 23 A. For children who are known to children's social care, we 24 have a regular "children missing education" meeting that 25 looks at those children and gets them back into school,</p> <p style="text-align: center;">Page 166</p>
<p>1 or if they can't go into school, identifies for them 2 alternative education packages, and that's chaired by 3 the director of -- my colleague, the director of sort of 4 education, and we're robustly trying to ensure that 5 children get their -- I think it's 25 hours, isn't it, 6 of education per week? So I think we're quite active in 7 progressing. 8 Q. When you say "regular", how regular is that? 9 A. The "children missing education" meeting? 10 Q. Yes. 11 A. I think it meets monthly. 12 MR SULEMAN: Thank you. I have nothing further. 13 MR SADD: Chair, do you or your colleagues have any 14 questions of Mr Edwards? 15 Questions by THE PANEL 16 THE CHAIR: Mr Edwards, just a small point. We don't seem 17 to have the total number of foster placements that are 18 supported by the county council at present, both 19 in-house, private and voluntary. How many is that? 20 A. A rough guesstimate, I think we are talking it's about 21 a 60/40 split. You have 60 per cent internal, 40 -- 22 THE CHAIR: Yes, I understand. 23 A. And we are talking around about 700 children. 24 THE CHAIR: How many placements is that? 25 A. I think at the minute the council's internal -- we can</p> <p style="text-align: center;">Page 167</p>	<p>1 work it -- the council's internal placements is just 2 over 300 sort of foster -- 320-ish foster families. 3 THE CHAIR: Then there are the -- 4 A. The IFAs after that. So 60 per cent is the internal -- 5 THE CHAIR: Yes, I know. I just wondered if you actually 6 knew the numbers rather than the percentages. So is it 7 about 500 placements? 8 A. Yes. 9 THE CHAIR: Do you know the number of allegations of 10 a sexual nature that have arisen from that number of 11 placements in the last year or two years? 12 A. No, no. 13 THE CHAIR: So you don't know about the complaints. I'm 14 interested to know how you're judging how well foster 15 care placements are performing in relation to such 16 matters. 17 A. It's a good question, isn't it, and you can answer it 18 two ways. You could -- is none a good figure, because, 19 actually, you may not be detecting an issue, or is five 20 or, you know, obviously one is too many, but I don't 21 think we can pretend, any of us, that some children 22 aren't going to be abused in foster care in the future. 23 I think it's ... 24 THE CHAIR: Are those figures available to you? 25 A. Yes.</p> <p style="text-align: center;">Page 168</p>

<p>1 THE CHAIR: Would you forward them to the inquiry, please? 2 A. Yeah, absolutely. 3 THE CHAIR: Thank you very much. Mr Frank? 4 MR FRANK: Thank you. Firstly, I want to ask you a bit 5 about the different teams for which you have 6 responsibility and for which you have had 7 responsibility. Now, that's an enormous number, I know, 8 over time. 9 A. Yes. 10 MR FRANK: One easy way to do this would be -- I don't know 11 if it is possible to do this, but to put up on the 12 screen at the same time pages 3 and 4 of your first 13 witness statement. I don't know whether that can be 14 done. 15 A. Would it be helpful if I explained why we changed 16 management responsibilities? 17 MR FRANK: It might not be, because that's not really the 18 issue I'm coming to. 19 A. Okay. 20 MR FRANK: What I wanted to ask you about -- let's see 21 whether we can do it without putting the document up -- 22 is that when you were following the restructure and 23 became the service director for youth, families and 24 social work, you had responsibility for a number of 25 teams, including -- this is paragraph 10 of your first</p> <p style="text-align: center;">Page 169</p>	<p>1 statement -- Multi-Agency Safeguarding Hub, district 2 Children Protection teams, something called a courts 3 team, as well as the historical abuse team from 2014. 4 A. Yes. 5 MR FRANK: So four of those teams directly related to what 6 I would call general safeguarding issues. Thank you 7 very much for whoever has done that on the screen. We 8 can see there four of those teams directly relating to 9 safeguarding issues. 10 A. Yes. 11 MR FRANK: Just before we pass off from that paragraph, when 12 you refer to the court team under that description, did 13 that deal with both civil court and civil court claims? 14 A. No, sorry, the court team is actually a team of social 15 workers who progress childcare proceedings. 16 MR FRANK: So nothing to do with claims at all, directly, 17 anyway? 18 A. No. 19 MR FRANK: Did you have anything to do with something called 20 a risk management oversight team? 21 A. No. 22 MR FRANK: Had you ever heard of that? 23 A. No, I don't -- 24 MR FRANK: Never heard of it at all in the entire time you 25 have been at Nottingham?</p> <p style="text-align: center;">Page 170</p>
<p>1 A. I honestly can't recall now. I might have done, but 2 I've never been a member of a risk management -- 3 MR FRANK: I'm not suggesting you have been a member of 4 it -- 5 A. -- oversight team, no, honestly. 6 MR FRANK: All right. The next thing I want to ask you then 7 is in relation to -- forgive me, it should be 8 paragraph 8 I ask you to put up. In 2010, you had 9 a number of different teams: Child Protection teams? 10 A. Yes. 11 MR FRANK: Strategic safeguarding team -- 12 A. Yes. 13 MR FRANK: -- is that right? Court team and historical 14 abuse team again? 15 A. Yes. 16 MR FRANK: So there's a certain amount of overlap? 17 A. Yes. The difference between 2010 and what happened from 18 2017 is I gained, in my responsibility, the early help 19 services. So we had a -- we made a structural decision 20 that, essentially, I would manage all the case holding 21 teams and my colleagues would manage the placements team 22 and essentially all the commissioning of aspects of 23 the work. So where you see the safeguarding independent 24 review isn't with me anymore, that's because that 25 essentially sort of checks and manages what I do. So it</p> <p style="text-align: center;">Page 171</p>	<p>1 felt better to have that independent. 2 MR FRANK: So with that background in mind, I wanted to ask 3 you, have you ever, yourself, had direct dealings with 4 the insurers for Nottingham City Council or 5 County Council? Have you, yourself, ever had any direct 6 dealings with them? 7 A. Yes. 8 MR FRANK: You have? 9 A. Yes, I have met with them. 10 MR FRANK: Can you help us as to what the circumstances of 11 that were? 12 A. I remember on one occasion we did a joint presentation 13 with them to members when the Beechwood claims were 14 starting to grow, and we thought it was appropriate to 15 explain what we were doing in terms of supporting the 16 individuals involved and the financial sort of liability 17 and responsibility of the council. That was something 18 that we presented to members together. 19 MR FRANK: Any other occasion? 20 A. No. I think we try and keep the two as separate as we 21 possibly can, really. 22 MR FRANK: Yes. That's helpful. I just wanted to 23 understand what you meant when you gave the answer that 24 you have encouraged claims, that you have never noticed 25 any irritation by insurers at your doing that. Is the</p> <p style="text-align: center;">Page 172</p>

<p>1 fact of it that you have not really had much dealings 2 with them because you've just had the one experience 3 that you can remember? 4 A. I think they know that we are social work 5 professionals -- 6 MR FRANK: You "think they know"; do you know it? 7 A. I'm sure they know that we are social work 8 professionals. They know that I've written to people 9 accepting our responsibility and therefore apologising 10 for the things that have happened in the past, and I've 11 not ever been censured by the chief executive or anyone 12 for doing that. 13 MR FRANK: Thank you very much. 14 THE CHAIR: Thank you very much, Mr Edwards. 15 A. Thank you. 16 (The witness withdrew) 17 THE CHAIR: We will now take the break, Mr Sadd, and return 18 at 3.40 pm. 19 MR SADD: Thank you. 20 (3.26 pm) 21 (A short break) 22 (3.42 pm) 23 MR SADD: Welcome back. We are now going to hear from 24 Philip Owen. His statement is at INQ002628. 25</p> <p style="text-align: center;">Page 173</p>	<p>1 MR PHILIP OWEN (sworn) 2 Examination by MR SADD 3 MR SADD: Good afternoon, Mr Owen. 4 A. Good afternoon. 5 Q. In front of you there should be your statement. I just 6 need to confirm with you that when you signed your 7 statement, which runs to 12 pages -- and if we go to 8 page 12, please, we can see some manuscript writing 9 there of the date. When you signed the statement, were 10 you happy that what was set out there is the truth, as 11 far as you remember? 12 A. Indeed. 13 Q. Are there any corrections that you would want to make to 14 your statement? 15 A. No. 16 Q. There was just something that I had come across and 17 I needed you to help me with. If we go to paragraph 48, 18 page 9, the second line down, there you refer to 19 a meeting that's yet to take place. But you talk about 20 it in the past. Should that be 2017?: 21 "The most recent report was considered by the 22 Children and Young People Committee on 23 17 September 2018." 24 A. This is a report of ...? 25 Q. Paragraph 48. It is just whether you wanted to correct</p> <p style="text-align: center;">Page 174</p>
<p>1 the date? 2 A. No, I think that is the correct date. 3 Q. It hasn't taken place -- my mistake, forgive me, it has 4 taken place. 5 A. Yes. 6 Q. The panel have a full copy of your statement. It is 7 going to be uploaded to the website in the course of 8 today or over the next few days. I'm not going to take 9 you through your statement line by line, but instead 10 will go to particular topics with you and I will ask you 11 to comment on documents as we go along. You have been 12 a councillor in Nottinghamshire County Council since 13 2005. You are the current chair of the county council's 14 Children and Young People's Committee; is that right? 15 A. That's correct, yes. 16 Q. And have held the statutory lead member for children 17 role from 2009 to 2013 and again from May 2017? 18 A. That's correct, yes. 19 Q. Just one or two questions in relation to the composition 20 of the committee. What is the appointment process for 21 members? 22 A. The appointment process is through political balance, 23 and that then is delegated to group leaders, group 24 officers, from each of the groups that have 25 representatives on the council according to political</p> <p style="text-align: center;">Page 175</p>	<p>1 balance. 2 Q. I know that you are, by profession, a teacher; is that 3 right? 4 A. I was a teacher, yes. 5 Q. You were a teacher. Do the committee members have any 6 expertise in the safeguarding of children? 7 A. Not that I'm aware of directly, no. Although there is 8 one current member who is a former social worker, so 9 I don't know what his precise role was. 10 Q. The Children and Young People's Committee is responsible 11 for the strategic and operational effectiveness of 12 the county council's Children's Services. That we take 13 from an exhibit that you provided to your statement. 14 What does being responsible for the strategic and 15 operational effectiveness actually mean in practice? 16 A. Well, that means reviewing, as appropriate, the policies 17 of the council with regard to children and young 18 people's services; for ensuring that the services are 19 adequately resourced; and other matters appropriate to 20 education insofar as the committee still has 21 responsibility and for children's Social Services. 22 Q. Is that a critical review? 23 A. It is a critical review, yes, from time to time. 24 Q. What are you able to test the policies that are put 25 forward by the council against?</p> <p style="text-align: center;">Page 176</p>

<p>1 A. We test the policies against the outcomes that are 2 expected when the policy is set up, the success 3 criteria, to see whether or not they are effective, and, 4 where possible, we look at data associated with those 5 policies on an ongoing programme of quarterly reports on 6 key performance indicators. 7 Q. Do you have access to any advice about what it is you're 8 looking at to be able to scrutinise the information 9 you've been provided? 10 A. Yes. We have the professional expertise of officers, 11 but of course members also bring their own individual 12 perspectives and can ask questions as appropriate. 13 Q. The committee is also responsible for overseeing the 14 county council's responsibilities as the corporate 15 parent of children and young people in care, and for 16 championing their interests, as I understand it. 17 A. Yes. 18 Q. How is that responsibility discharged? 19 A. That's discharged through reports to the Children and 20 Young People's Committee. We will have regular updates 21 on progress. We have periodic reports from the head of 22 the virtual school. And we also have afforded 23 representatives of foster carers the opportunity to come 24 and address the committee with any issues that they may 25 have concerns about.</p> <p style="text-align: center;">Page 177</p>	<p>1 Q. Do they take that up? 2 A. They take it up. They are invited once a quarter and 3 there is always -- as far as I recall, there has always 4 been a representative there, and I have it as a standing 5 item on the agenda of the committee so that they have 6 free rein to say what they think. 7 Q. Do you invite looked-after children to do the same? 8 A. We have had the occasional looked-after child come 9 along, but their views are sought through the Children 10 in Care Council and my deputy, Councillor Taylor, goes 11 along to those meetings. 12 Q. So the answer to my question is: you don't invite 13 looked-after children to come -- 14 A. Not on a regular basis, no. 15 Q. Have you done so at all? 16 A. Yes, we have had one occasion, a couple of meetings ago, 17 where we had a looked-after child who came and spoke to 18 us. 19 Q. What was the reason for asking that particular child -- 20 A. I think he had won some award and we wanted to 21 congratulate him, but also to allow him to address the 22 committee. 23 Q. Does the committee have an opportunity at any stage to 24 ask children and young people of their experience of 25 what it is like being in the care of the council?</p> <p style="text-align: center;">Page 178</p>
<p>1 A. Yes, members of the committee and other members of 2 the council are able to go and visit and are encouraged 3 to go and visit our children's homes. I accept that's 4 a limited range of looked-after children, but 5 nevertheless, they are able to go and visit the homes 6 and talk to children if they are about at the time. 7 Q. Paragraph 27, please, page 5 of your statement. You 8 say: 9 "Members of [the committee] have a duty to ensure 10 that each children's home is meeting [their legislative 11 obligations] and ensuring that children and young people 12 are safe and protected." 13 How do members of the committee achieve this? 14 A. They achieve it by going to those committees -- sorry, 15 going to those homes. There is a pro forma that they 16 have to fill in. They meet staff and, where possible, 17 they meet children as they are going around the home. 18 Q. To what extent, to your satisfaction, are those visits 19 simply conforming or discharging their responsibility as 20 opposed to critical visits? Are you concerned that your 21 colleagues are just fulfilling what they're expected to 22 do rather than carrying out a critical exercise? 23 A. No, I don't think that's the case at all. You have in 24 the bundle of documents a report that goes to the main 25 committee which outlines suggestions for improvements as</p> <p style="text-align: center;">Page 179</p>	<p>1 a result of visits by members of council. We get those 2 reports, I think it is every six months, maybe more 3 frequently, every four months, and every visit is 4 recorded on the pro forma. That's fed into the system 5 and then ultimately the main points are presented to -- 6 or the recommendations are presented to the main 7 Children and Young People's Services Committee. 8 Q. Paragraph 62, please, page 11 of your statement. You 9 say there: 10 "I have had some engagement with children in 11 residential care through member rota visits." 12 A. That's correct. 13 Q. Do you have the paragraph? 14 A. Yes, I have it. 15 Q. Is that the extent of your engagement with children in 16 residential care? 17 A. Yes. 18 Q. When you make those rota visits, do you have occasions 19 where there are no children there because you make them 20 during the day and they are at school? 21 A. Yes, that is correct. 22 Q. So how do you satisfy yourself, in those circumstances, 23 that the children in care are happy or content with 24 where they are placed and what's happening in the 25 placement?</p> <p style="text-align: center;">Page 180</p>

<p>1 A. Well, at the moment, we go when it's convenient to the 2 home. We are looking at the possibility in the future 3 of having unannounced visits, and so that would take 4 care of that, because we would go at a time when we can 5 more or less guarantee that children would be present. 6 Q. Some of those listening to the inquiry may think that 7 that change is long overdue. When do you expect that to 8 be the case? 9 A. I would expect it to take place within the next three to 10 six months. 11 Q. The visits that do take place, the rota visits, you say 12 happen on a biannual basis. By "biannual", you mean 13 twice a year; is that right? 14 A. Yes. 15 Q. There are then reports on the visits to the rest of 16 the committee every six months? 17 A. Yes. 18 Q. We know from the documents that have been provided that 19 you personally have been on a number of rota visits? 20 A. Yes. 21 Q. What happens when you carry out your rota visit? 22 A. I look -- or I have looked around the property concerned 23 and looked for any defects in the building. I look at 24 what recommendations may have been made previously to 25 ensure that they have been complied with. I look at</p> <p style="text-align: center;">Page 181</p>	<p>1 various files to check that appropriate visits have 2 taken place. I look at what the children -- at what 3 involvement the children have had, say, in preparing 4 meals or determining what should be on the menu for 5 their meals. I also ask questions about what activities 6 the children are involved in outside of the home, how 7 they are able to integrate and how they do integrate 8 with the local community, what the relationship is with 9 the home and the local GP practice, what outside clubs 10 or sports clubs they may be involved in. There's 11 a whole range of questions that I pose. 12 Q. Are those questions that are all set out in the 13 pro forma form you complete? 14 A. No, they're not. It's a general cover-all to ask 15 questions about what activities children are involved 16 in, but I try to drill down as closely as possible, and 17 listen to the answers that I'm given. 18 Q. From my understanding of your evidence -- I may have 19 misheard it -- to date, that's been on the basis of your 20 meetings with staff; is that right? 21 A. I have met with the odd child, and there was one 22 occasion when I wanted to talk to the child but the 23 child didn't want to talk to me. 24 Q. Are there any guidelines available to members of your 25 committee as to how rota visits should be conducted?</p> <p style="text-align: center;">Page 182</p>
<p>1 A. Only insofar as the pro forma gives details of the sorts 2 of questions that it might be appropriate to ask and the 3 places to visit. For example, there is a comment about 4 looking at a child's bedroom, but that should not be 5 done without the consent of the child. 6 Q. So beyond the pro forma, there are no guidelines? 7 A. Not as such, no. 8 Q. You say at paragraph 63, please: 9 "Whilst these visits do not specifically focus on 10 allegations of abuse, they do include opportunity for 11 councillors to see the homes and meet the residents." 12 Indeed, as you have just described, Councillor Owen: 13 "'Staying safe' is also part of the visit scope." 14 What does that mean? 15 A. It means asking whether or not, for example, the child, 16 or a child, has absconded, whether there are regular 17 abscondee from the home; what might be the cause, 18 whether there are -- I won't say "satisfactory" 19 explanations, but understandable explanations as to why 20 it might have happened; what that child has -- when the 21 child was found, what activities had they been thought 22 to be involved in; who are they mixing with when they 23 abscond; and, generally, who are they mixing with 24 outside of the confines of the home? 25 Q. Indeed, provided with your statement is an example of</p> <p style="text-align: center;">Page 183</p>	<p>1 rota visits. If we go to INQ002635, that's tab 2 of 2 your bundle in front of you there. 3 A. Yes. 4 Q. We can see listed there are visits that have been 5 carried out. We can see on the first page there at 6 paragraph 6, West View was visited by yourself, noting 7 the downstairs looking inviting and in good order, and 8 we see that there was one recommendation made to review 9 the emergency admission procedures, so presumably that's 10 a recommendation made by you? 11 A. That's right, yes. 12 Q. If we go over the page, we can see a visit to the 13 Big House, and a recommendation there of sharing 14 regulation 44 reports between rota visits, "and this has 15 been actioned". 16 A. Yes. 17 Q. Do you think that in preparation for the rota visits you 18 and your committee colleagues carry out, you could have 19 more information to hand before making those visits so 20 that you have greater critical scrutiny? 21 A. We have the previous report, which I think is always 22 informative and does inform the visit so that it's 23 possible to check up on whether or not progress has been 24 made. 25 Q. But we learn from the reports that we have just looked</p> <p style="text-align: center;">Page 184</p>

<p>1 at that your colleague requested that regulation 44 2 reports be provided to committee members prior to visits 3 and that that was actioned. Is that still taking place? 4 A. As far as I'm aware, it is, yes. 5 Q. Well, you would be aware, Mr Owen, because you carry out 6 these visits. 7 A. I haven't carried them out since I became the lead 8 member. I have other duties and I leave that to other 9 members. 10 Q. So how do you keep abreast of what's happening in 11 children's homes? 12 A. Because I get the feedback from the visits that take 13 place. 14 Q. So you don't think it's necessary for you, yourself, to 15 visit these homes? 16 A. Not as a rota visit, no. 17 Q. Why is that? 18 A. Because I think it's better to get other members of 19 the council involved to bring a different perspective on 20 it. 21 Q. Can we look, please, at communication between council 22 officers and councillors about allegations of sexual 23 abuse of children in care by residential staff or foster 24 carers. At paragraph 33 of your statement, you say you 25 would expect to be informed of relevant Ofsted serious</p> <p style="text-align: center;">Page 185</p>	<p>1 incident notifications. As things stand at the present, 2 as of today's date, when was the most recent Ofsted 3 notification you had of the abuse of a child in care? 4 A. I don't recall having had one. 5 Q. At all, in all the time that you have been chair of 6 the committee? 7 A. Yes. 8 Q. Have you received any serious incident notifications? 9 A. I have been informed of -- the last time I was the 10 committee chairman, of the issues around the 11 Patrick Gallagher case, when that came to light. 12 Q. We heard from the last witness just now of 13 a notification to Ofsted in relation to harmful sexual 14 behaviour between two boys. That was notified to 15 Ofsted. That was in 2014. Does that ring any bells? 16 A. No. 17 Q. Should one assume from your answer that, apart from the 18 Gallagher notification, you haven't been provided with 19 Ofsted notifications? 20 A. I haven't, but then for -- between 2013 and 2017, I was 21 not the lead member. 22 Q. So it's only the lead member who gets those; is that 23 right? And not the committee? 24 A. During that period, yes. 25 Q. So you have changed the system so that now all</p> <p style="text-align: center;">Page 186</p>
<p>1 notifications are given to all your committee? 2 A. I took to committee a paper which you have included in 3 the documentation which gives clear indication of what 4 and when notifications should take place to whom by 5 officers, and so that sets out what is expected, for the 6 avoidance of doubt. 7 Q. Does that include that notifications should be provided 8 to all committee members? 9 A. That, in the first instance, provides it to me and then 10 we would decide whether or not it would be appropriate 11 to send it to all committee members because these 12 reports, as you are aware, contain highly confidential 13 information, so I would seek legal advice as to whether 14 or not it was permissible to -- what I could share with 15 committee. But it would be my intention, now that that 16 protocol is in place, to share as much as possible with 17 all members of the committee for the sake of 18 transparency. 19 Q. How long has that protocol been in place? 20 A. About two weeks. 21 Q. So before that, it was left to the discretion of 22 the chair of the committee as to whether or not that 23 information was shared? 24 A. It would be left to the discretion of the chairman in 25 consultation with the corporate director and legal</p> <p style="text-align: center;">Page 187</p>	<p>1 officers, yes. 2 Q. In your role as a member of the committee, up until your 3 appointment as chair, were you satisfied that you were 4 given, or provided with, information that enabled you to 5 discharge your responsibility to children in care in 6 homes? 7 A. Yes, I was at the time, but I wasn't aware of 8 the disclosure that you have just referred to. 9 Q. Does that suggest that more could have been provided to 10 you to discharge that responsibility? 11 A. Yes. I think that paper should have been disclosed to 12 me, at least at the time. 13 Q. We come back to paragraph 33, please. As you have 14 already pointed out, you were updated on the Gallagher 15 review and you say that you would expect to be notified 16 of any high-profile cases that relate to abuse of 17 children in the care of the county council. I should 18 read that as a qualification that that simply relates to 19 you as chair of the committee, subject to issues of 20 confidentiality as to whether or not that's passed on to 21 members of the committee. Is that how it works? 22 A. Yes, I think that would be the case. The intention is 23 to share as much as possible. There's no question of 24 that. I would have thought in virtually every case that 25 would have been possible, with appropriate redactions.</p> <p style="text-align: center;">Page 188</p>

<p>1 Q. How often is it that you are -- let me start again. How 2 often is it that you, as chair, are briefed by the 3 director of Children's Services or the service director? 4 A. Generally, every two weeks I am briefed, but if anything 5 of any urgency occurred, I would either get a telephone 6 briefing or an email briefing. 7 Q. How often is the committee briefed by the director of 8 Children's Services or the service director? 9 A. Well, the committee meets every month, and so of course 10 it depends what is on the work programme as to what 11 comes forward for members of the committee to be briefed 12 about. 13 Q. Do you decide between the director and yourself as to 14 what should be put forward to the committee? 15 A. Yes, but there is always an opportunity at the end of 16 each committee meeting for any member of the committee 17 to ask for something to be included in the work 18 programme. 19 Q. At paragraph 18 of your statement, please, you say that 20 councillors are briefed on allegations of sexual abuse 21 of children in care as appropriate and may 22 challenge/seek assurance from officers. Aside from the 23 Gallagher case -- sorry, I will just stick with the 24 Gallagher case. Can you help the inquiry -- you may 25 already have answered this, in fact -- with the extent</p> <p style="text-align: center;">Page 189</p>	<p>1 to which councillors, including yourself, have been 2 briefed since 2011 on cases of child sexual abuse in 3 care? 4 A. I can only recall the Gallagher case, and then there has 5 been one other of a current social worker who has 6 recently been sentenced for inappropriate sexual 7 behaviour with a child. 8 Q. Would you expect, as chair, to be notified of ongoing 9 investigations? 10 A. I would expect to be notified, yes. 11 Q. Are you at the moment, sitting in the chair where you're 12 sitting, aware of ongoing investigations of children 13 abused in care? 14 A. I'm not aware of any ongoing investigation at the 15 moment, no, apart from, obviously, this whole inquiry, 16 yes. 17 Q. So should the inquiry assume confidently that no such 18 investigations are being carried out at the moment? 19 A. I don't know what the inquiry can assume, but -- 20 Q. Can they assume on the basis of your evidence that you 21 would normally be notified? 22 A. I would normally be notified, and with the new protocol, 23 there is no reason -- there is no doubt whatsoever that 24 I should be notified. 25 Q. Who decides, please, councillor, when it would be</p> <p style="text-align: center;">Page 190</p>
<p>1 appropriate to brief members about -- 2 A. That would be a discussion between myself, my two 3 vice chairmen, the corporate director and Mr Edwards, 4 who you had as a witness just before, no doubt in 5 consultation with the legal department. 6 Q. So the determination of the threshold follows 7 consultation with others about what should or should not 8 be conveyed? 9 A. Yes. I suppose, ultimately, it would be my decision as 10 the political lead, but, clearly, I am going to take 11 serious note of advice that I am given from 12 professionals in the field. 13 Q. In the light of your evidence, are you in a position 14 today to tell the inquiry what you think the state of 15 health of children in residential care is in the county? 16 A. Well, at our last Ofsted -- our most recent Ofsted 17 inspection, we were rated as "good", and so, whilst we 18 would aspire to be "excellent", which means there are 19 still things to be done, I stand by the Ofsted judgment 20 that was made at the time. 21 Q. At paragraphs 35 to 37 -- again, it is something we 22 probably will have touched on as we have gone through 23 this evidence -- you deal specifically with allegations 24 made against staff at residential homes abusing children 25 in their care. Would disciplinaries in relation to</p> <p style="text-align: center;">Page 191</p>	<p>1 those allegations come to your committee or would they 2 go to another committee? So say that a member of staff 3 in a children's home was undergoing a disciplinary case 4 in relation to allegations of abuse, would you be 5 notified of that? 6 A. Yes, I would be notified about it. But it wouldn't come 7 to my committee. There used to be a disciplinary 8 committee -- not that I ever sat on it -- I think that 9 has been replaced now and matters are dealt with via HR. 10 Q. Paragraph 36, please. 11 A. Yes. 12 Q. There you say in relation to Andris Logins, Barrie Pick 13 and Dean Gathercole, who were all former employees and 14 the allegations were non-recent: 15 "I recall being briefed around the time of 16 the charge and convictions." 17 At the time that you were briefed, as I understand 18 it from your evidence, you weren't chair; is that right? 19 You became chair -- 20 A. I became chairman in -- again, in 2017. I went out of 21 office in May 2013 and came back at the end of May 2017. 22 I remember specifically being briefed about Gathercole. 23 I do have some recollection that the other two were 24 mentioned, but not in any detail, I have to say, because 25 it was historical and they had been charged, so it was</p> <p style="text-align: center;">Page 192</p>

<p>1 a police matter, as far as I was aware.</p> <p>2 Q. What would have been – what can you tell the inquiry</p> <p>3 from your memory was the nature of the briefing in each</p> <p>4 case?</p> <p>5 A. It was a brief briefing, just to say that they had –</p> <p>6 I think that they had been charged by the police, there</p> <p>7 was an ongoing – or there was an ongoing police</p> <p>8 investigation that ultimately led to them being charged</p> <p>9 and then it went through the courts and obviously that</p> <p>10 was in the public domain anyway, so there was no need to</p> <p>11 be briefed about that.</p> <p>12 Q. At the point of being briefed, Councillor Owen, given</p> <p>13 your role as scrutinising officers coming before you, at</p> <p>14 what point would you be seeking more information or an</p> <p>15 update as to how these matters had been addressed, given</p> <p>16 that these issues had arisen?</p> <p>17 A. I think at the point of conviction, what I have asked</p> <p>18 for in the past is that a trawl be made of any young</p> <p>19 people that they came into contact with or had direct</p> <p>20 responsibility for and an attempt made to ascertain</p> <p>21 whether there was any inappropriate activity with those</p> <p>22 other young people.</p> <p>23 Q. Paragraph 38, please. You say that you were the</p> <p>24 Nottinghamshire Safeguarding Children's Board</p> <p>25 participant observer when the Serious Case Review of</p> <p style="text-align: center;">Page 193</p>	<p>1 Patrick Gallagher was commissioned and published. What</p> <p>2 was your level of involvement in that? What did it</p> <p>3 mean, being a participant observer?</p> <p>4 A. Well, a participant observer meant that I would go along</p> <p>5 periodically and listen to what they have to say. The</p> <p>6 arrangements have now changed and it is my deputy,</p> <p>7 Councillor Taylor, who goes along on a regular basis to</p> <p>8 the Safeguarding Board, which means that she can speak,</p> <p>9 if permitted by the chairman, and will answer any</p> <p>10 questions, if appropriate.</p> <p>11 Q. Paragraph 38 still. You say that you were assured</p> <p>12 a thorough process had been undertaken to review the</p> <p>13 case and that the relevant issues for the service were</p> <p>14 being addressed by managers. Who would have given you</p> <p>15 that assurance?</p> <p>16 A. That would have been the corporate director and</p> <p>17 Mr Edwards at the time, I would imagine.</p> <p>18 Q. Were you satisfied that that indeed was the case?</p> <p>19 A. As far as I can recall, I would be satisfied that that</p> <p>20 was the case. Otherwise, I would have commissioned</p> <p>21 further work to be done.</p> <p>22 Q. Have you ever had cause to do exactly that?</p> <p>23 A. No.</p> <p>24 Q. Did you ever see evidence of the progress made by</p> <p>25 managers in the service following the review carried out</p> <p style="text-align: center;">Page 194</p>
<p>1 into the Gallagher case?</p> <p>2 A. No.</p> <p>3 Q. Did you ask to see that evidence?</p> <p>4 A. We had an Ofsted subsequent to that, and they reported</p> <p>5 back on the situation. So that was the evidence that</p> <p>6 would be accepted.</p> <p>7 Q. My question to you was, did you ask to see any evidence</p> <p>8 of the steps that had been taken in the light of</p> <p>9 the review?</p> <p>10 A. Well, I thought I'd answered by saying that we had the</p> <p>11 Ofsted report, which I would think indicated that things</p> <p>12 had improved from the situation that we were in.</p> <p>13 Q. Paragraph 39, please. You were the lead member for</p> <p>14 Children's Services at the time of allegations against</p> <p>15 NO-F77. You say that you were aware that senior</p> <p>16 managers in the service were ensuring that this was</p> <p>17 looked into. Can you expand on that? What does that</p> <p>18 mean, that you needed assurance that things were being</p> <p>19 looked into?</p> <p>20 A. I would imagine that at the time they were looking into</p> <p>21 the issues that arose from the Serious Case Review that</p> <p>22 Patrick Gallagher – on the Patrick Gallagher case, and</p> <p>23 that would be fed back, anyway, through the Safeguarding</p> <p>24 Board.</p> <p>25 Q. From reading your statement at 39, should one take it</p> <p style="text-align: center;">Page 195</p>	<p>1 that you had any involvement in any aspect of that</p> <p>2 review?</p> <p>3 A. No.</p> <p>4 Q. You also say in your statement, at paragraphs 18 and 33,</p> <p>5 that a protocol for notifying elected members of</p> <p>6 relevant incidents, as you have just described, and for</p> <p>7 which I got myself confused about the date, was</p> <p>8 introduced on 17 September 2018. What I didn't ask you</p> <p>9 about that when you spoke about it earlier, why was it</p> <p>10 thought that a protocol was necessary?</p> <p>11 A. As we have discussed earlier, the decision as to whether</p> <p>12 or not to notify the lead member and then cascade it on</p> <p>13 would be a judgmental decision of the corporate director</p> <p>14 or the service director, Mr Edwards, and whilst I have</p> <p>15 implicit faith in their judgment, I think, nevertheless,</p> <p>16 it does make those areas where there may be some</p> <p>17 doubt – it clarifies those areas, so by writing it down</p> <p>18 so that they can refer to that particular protocol, and</p> <p>19 in the event that something hasn't been reported and it</p> <p>20 comes to light, I can then look at that protocol and say</p> <p>21 to them, if I feel it appropriate, "Yes, according to</p> <p>22 the protocol, you should have notified me", or, "Well,</p> <p>23 no, it doesn't meet the threshold of the protocol".</p> <p>24 I think, going forward, it makes it clear to them and to</p> <p>25 staff exactly what should be reported.</p> <p style="text-align: center;">Page 196</p>

<p>1 Q. At paragraph 42, please, you say that in 2012 you would 2 have not expected to be made aware of allegations 3 involving sexual abuse by other children. Would you 4 expect to be informed of such allegations now? 5 A. Yes. 6 Q. When did that change? 7 A. I don't think you can give a specific date. It's 8 happened as a result of the disclosures that have been 9 made over a period of time. So coming back into office, 10 as I did in 2017, I would now expect those sorts of 11 things to be reported to me. 12 Q. What we understand from your evidence -- I hope I'm not 13 unfairly remembering it -- is that since you have come 14 back as chair, you haven't had any such reports? 15 A. I can't recall a report, no. 16 Q. What do you expect your involvement and that of 17 the committee to be in relation to such allegations or 18 notifiable incidents, I should say, being put before 19 you? What is expected to be your response? 20 A. Our response is to seek assurances that measures are put 21 in place where shortcomings have been identified to see 22 that it doesn't happen again or to reduce the 23 possibility of it happening again; to look at why 24 something went wrong, why it did happen; and to ensure 25 that, as far as we possibly can, officers are making</p> <p style="text-align: center;">Page 197</p>	<p>1 certain that it doesn't occur in the future. 2 Q. Councillor, how do you, as lead member, ensure that 3 children are involved in the development and delivery of 4 systems which enable them -- or children in care to 5 disclose abuse? 6 A. They can disclose abuse because they have their own 7 individual social worker that they can disclose to; they 8 have an independent advocacy arrangement. If they are, 9 for some reason, not comfortable with their social 10 worker, they can disclose to that independent person. 11 So I think we do as much as we can to ensure that they 12 are able to disclose any problems that they may be 13 experiencing. 14 Q. By "we", you are referring to the council? 15 A. I am referring to the council, yes. 16 Q. My question was directed to you as the lead member. 17 A. Yes. 18 Q. So you personally. The inquiry would be interested to 19 know how you personally take steps to ensure that what 20 you have described is happening? 21 A. Those issues that are going to be reported through the 22 channels that I have already outlined under the new 23 protocol should be referred upwards to me so that I can 24 then ask the necessary questions and ensure that the 25 appropriate processes are in place to deal with matters,</p> <p style="text-align: center;">Page 198</p>
<p>1 alongside the professionals, the corporate director and 2 the service director. 3 Q. You say that it's not part of the councillors' role to 4 respond to allegations of sexual abuse against children 5 in care. You say, and I think you have already set it 6 out this afternoon, that this is the role of officers 7 who come to the committee. What steps do you think 8 councillors can take to explore, if any, the existence 9 of flaws in this area, institutional flaws, and to what 10 extent have you, in your role, shown curiosity in 11 wanting to find out the extent, if any, of child sexual 12 abuse of children in care? 13 A. We have reports to committee. We have regular 14 briefings, as I have already indicated. If issues are 15 raised at those briefings or via the committee reports, 16 we are then able to commission further work, if 17 necessary, and to cross-check the outcomes of those 18 reports. 19 Q. Have you ever found yourself challenging reports that 20 are provided to you? 21 A. Well, I challenge insofar as I ask whether or not we 22 have sufficient resources in place to deal with 23 particular problems; whether social workers are under 24 too much pressure to be able to deal adequately with the 25 case loads that they have got; and I look at these at</p> <p style="text-align: center;">Page 199</p>	<p>1 a -- I think it is the role of councillors to look at 2 these at a more strategic view, rather than individual 3 cases, albeit individual cases are important and when 4 things go wrong in individual cases, that is the time to 5 challenge what has gone wrong. 6 Q. But, presumably, in the light of the evidence that you 7 have given this afternoon, you have yet to have to 8 respond to allegations of child sexual abuse of children 9 in care because you haven't received any? 10 A. I haven't received any, no. 11 Q. You say at paragraph 34 that, despite it not being the 12 role of councillors to respond to allegations, you state 13 that the current and former leaders of 14 the county council have publicly apologised in full 15 council meetings in March 2016 and January 2018. We 16 know that the county council have also sent formal 17 letters of apology to complainants who have had formal 18 complaints upheld by the council. Have you or your 19 committee been involved in drafting the nature and scope 20 of these apologies? 21 A. Not the written letters, no. Those have gone from 22 officers to individual people. But the political 23 apology, if you want to look at it in those terms, the 24 councillor's apology, has come, as you have already 25 indicated, both from the current leader -- a very</p> <p style="text-align: center;">Page 200</p>

<p>1 fulsome apology was made by the current leader of 2 the council, and also by the previous leader of 3 the council on behalf of the political side of 4 the organisation. 5 The letters that you referred to that have gone out 6 are on behalf of officers. 7 Q. And you are on the political side. That's your role? 8 A. Yes. 9 Q. Would you have been involved in the discussions relating 10 to the issue of those apologies, given your role as 11 chair? 12 A. Are you referring to the one made by the leader? 13 Q. Yes. 14 A. Yes, that was discussed informally, as to what was going 15 to be said, and we were in agreement. 16 Q. Did you have a say in what should be said? 17 A. Not a direct say, no. We discussed the fact that an 18 apology was going to be made and we agreed collectively, 19 as a senior political team, that that was the 20 appropriate course of action for us to take. 21 Q. But, Councillor Owen, as I understand your role as 22 chair, you are in a pivotal position to understand, 23 better than any other council member, children in the 24 care of the county; is that right? 25 A. Yes.</p> <p style="text-align: center;">Page 201</p>	<p>1 Q. You say that you had no say in assisting in the drafting 2 of that letter of apology to those who had been in the 3 care of the council and had been abused. Why was it 4 that your views weren't sought? 5 A. Because I would think a number of those letters and the 6 original drafting of the letters went out before 7 I became the committee chairman once again, but, as 8 I have already explained, the letters of apology have 9 gone out from senior officers. The political apology 10 has gone from the current leader and the previous leader 11 of the council. That is an appropriate course of 12 action, I believe. 13 Q. We know, because they have been made available to us, 14 that Colin Pettigrew, as corporate director for 15 children, has had occasion to write letters of apology 16 directly to individuals, and in circumstances has 17 suggested that the child -- if you bear with me 18 a moment, I will just check out my reference. This is 19 at NSC001478. That is tab 3 of your bundle. 20 A. Yes, I have it. 21 Q. We can see that at page 133 a letter is written on 22 11 May -- 23 A. Yes. 24 Q. -- by Colin Pettigrew. On page 134 he sets out at the 25 top of the page:</p> <p style="text-align: center;">Page 202</p>
<p>1 "In addition, your request for compensation from the 2 Council for the harm and assault you have suffered will 3 be met via Zurich, our public liability insurers." 4 Then reading through, we see that in fact what then 5 happens is that the lawyers on behalf of the individual, 6 136, are to write a letter and the insurers come back 7 saying, "We are looking into it". Then finally at 139, 8 we see that Mr Pettigrew then becomes involved again 9 very recently, on 2 August, and desires that this be 10 actioned. Do you, as a committee, have any concerns 11 about an officer taking the initiative to say, "Yes, 12 a claim should be settled"? 13 A. No. I think that's a professional judgment of 14 the lawyers, as to whether or not a claim should be 15 settled. We have no involvement with that whatsoever, 16 as elected members, other than perhaps to be advised 17 periodically how many have been settled. 18 Q. Finally, I am going to go to the creation and role of 19 the historical abuse unit. We have heard evidence about 20 this. You say that the unit was approved by the 21 committee in September 2015. This is paragraph 67 of 22 your statement. Forgive me, I should have taken you to 23 that. 24 Will that approval be extended again? 25 A. As I recall, and I don't know which tab the committee</p> <p style="text-align: center;">Page 203</p>	<p>1 document is at, it was set up a couple of years or so 2 ago with an initial allocation of funds and as 3 a committee we actually amended the recommendation so 4 that it would come back every six months for an update. 5 There has been a fairly recent update brought back 6 where additional funding was secured, and I believe it 7 will come back every six months to the committee for an 8 ongoing review. 9 Q. We see at paragraph 69, the last paragraph of your 10 statement, that funding is approved until April 2019. 11 A. Yes. 12 Q. What's your understanding, Councillor, of the basis on 13 which complainants of child sexual abuse are offered 14 support services by the council? 15 A. They're offered support as they require it, whether it 16 be emotional support, whether it be, in some cases, 17 educational support, mental health support. 18 Q. Does your committee have any role in monitoring or 19 reviewing what is provided to those individuals? 20 A. We haven't monitored it, no. 21 Q. Finally, I'm asked to ask you, what more, if anything, 22 do you believe the council could do to provide redress 23 to complainants? 24 A. I don't know what more we can do, other than to give 25 assurances that we have taken their complaints, listened</p> <p style="text-align: center;">Page 204</p>

<p>1 to their complaints, we have tried to put in place 2 systems which will ensure that it can't happen, or 3 doesn't happen, again. But if they feel there is 4 anything more that we can do, then they need to either 5 contact myself or the leader and we will look at what it 6 is that they want, we will see if we can meet their 7 requests. 8 MR SADD: Thank you for your patience. Those are my 9 questions. There may be some questions from the panel. 10 Questions by THE PANEL 11 THE CHAIR: Thank you, Mr Owen. I want to take you back to 12 the issue of HR. I appreciate you may not have been 13 involved in any of this yourself, but I assume the 14 council has some form of appeals subcommittee against 15 dismissal. 16 A. Yes, I believe it does, but, as you say, I have had no 17 involvement in that whatsoever at all. 18 THE CHAIR: Okay. However, we have heard evidence in the 19 last two weeks from time to time from people saying that 20 decisions made by officers to dismiss individuals for 21 misconduct of a sexual nature in Children's Services and 22 that going to some form of appeal process involving 23 elected members, and these decisions being overturned 24 and the person is reinstated. Of course, the inference 25 from this being there was a reluctance on the part of</p> <p style="text-align: center;">Page 205</p>	<p>1 members to sack people for such offences. I wonder if 2 you have any comment to make on that and whether you are 3 aware of anything of that nature occurring? 4 A. I am not aware of anything of that nature occurring. 5 I have -- well, let me just correct that. I have heard 6 that these appeals committees did take place some years 7 ago and that there were decisions to sack overturned by 8 elected members. But that is as much as I know, and 9 I have never had any involvement in that process at all. 10 THE CHAIR: No, but you would naturally have an interest in 11 such matters if it continued? 12 A. Oh, if it continued, but, as I say, the disciplinary 13 committee has been disbanded. I couldn't advise, I'm 14 sorry, on what any appeals procedure might be and 15 whether it involves elected members. 16 THE CHAIR: We will ask some others as they appear before 17 us. Thank you. 18 One other small point: are you confident that the 19 members on your committee understand their duties as 20 corporate parents? 21 A. I think those of us that have been members for some time 22 do understand the role of being a corporate parent. 23 Newer members, I think it's possibly still a learning 24 curve. 25 THE CHAIR: And is there any induction provided to them when</p> <p style="text-align: center;">Page 206</p>
<p>1 they become new members, as I know there is in some 2 counties? 3 A. Yes. Officers are available to take members through, 4 either as a group or individually. There is no formal 5 induction process. It is as each member has 6 a particular need, they would then be able to discuss it 7 with officers. 8 THE CHAIR: Given it's a statutory rule, do you not think 9 that this should be required of elected members? 10 A. Certainly if that's a recommendation from your 11 committee, we would take it on board and introduce it. 12 THE CHAIR: Thank you very much. Ms Sharpling? 13 MS SHARPLING: Just one question, please, councillor: in 14 relation to your request for assurance in your 15 committee, how far are you able to identify trends or 16 hot spots of difficulty by the briefings that you 17 request? 18 A. We have reports on key performance indicators every 19 quarter which give figures for the previous couple of 20 quarters or so, so that we are able to identify trends 21 across a whole range of key performance indicators, and 22 if we were noting that a particular performance 23 indicator was deteriorating, then I have no doubt the 24 committee would want -- and I certainly would want -- to 25 drill down as to why that was happening and what the</p> <p style="text-align: center;">Page 207</p>	<p>1 trend was going back even further. 2 So I think there is some level of oversight in that 3 way. 4 MS SHARPLING: Just one follow-up question: how do you drill 5 down from those figures, because key performance 6 indicators may be generic, for example, dealing with the 7 whole of the county or city's children, looked-after 8 children, for example. How would you drill down into 9 specific locations or specific people? 10 A. We would ask for additional information, and if we felt 11 there was a continuing downward trend over a period of 12 time, we would commission a detailed report. That could 13 be asked for as part of the work programme if any member 14 had a concern about any particular issue. 15 MS SHARPLING: Thank you. 16 THE CHAIR: Mr Frank? 17 MR FRANK: Yes, please. I wonder if I could draw your 18 attention, please, to behind tab 10. There is a report 19 to the Children and Young People's Committee dated 20 17 September of this year, and that therefore would be 21 a report, in effect, to a committee of which you were 22 then the chairman and still are. 23 A. That's correct, indeed. 24 MR FRANK: If we could please turn our attention to page 5 25 of that report, I am just going to ask you for your</p> <p style="text-align: center;">Page 208</p>

<p>1 assistance about a number of matters that were reported 2 to you then particularly relating to the number of 3 children who have gone missing from care, which is one 4 of the issues that you can see in the middle of the box 5 of statistics there in paragraph 17. Do you have that 6 in front of you? 7 A. Yes. 8 MR FRANK: The number of children missing from care in 9 2016/17 was 163, for the later year, that's this 10 current year, 140. So an improvement in the numbers. 11 Nevertheless -- oh, and it is just worth looking at the 12 second box, which is "Other local authority children 13 missing from care". "Other local authority", that means 14 children who have been placed into care by other local 15 authorities but have been placed in care in Nottingham, 16 so who technically are under the Nottingham supervision, 17 as it were? 18 A. Yes. 19 MR FRANK: And they have gone missing from care whilst in 20 care in Nottingham? 21 A. Yes. 22 MR FRANK: If we add those two columns together, we get for 23 the year 2017/18 about 260 children -- I think it is 24 259 in all -- gone missing from care in that year. 25 A. Yes.</p> <p style="text-align: center;">Page 209</p>	<p>1 MR FRANK: Do you see that? 2 A. Yes, I can. 3 MR FRANK: What I want to ask you is this: you will probably 4 appreciate that when children go missing from care, 5 there may be a number of different reasons. 6 A. Yes. 7 MR FRANK: But normally it will be an indication that they 8 are very unhappy with where they are placed. It is 9 often an indication that they are not happy with their 10 placement in care. 11 A. Well, that's one assumption that you could make, and 12 that of course, as you will see at paragraph 18, is why 13 we attempt return interviews, to try and determine the 14 reasons behind children who go missing. 15 MR FRANK: Yes. 16 A. But we also have to bear in mind that, whilst those 17 figures superficially seem quite high, and they are, 18 some of the incidents are for a relatively short period 19 of time. The number of children that go missing for any 20 length of time, I think, since I was reappointed last 21 year, has been two or three, because I do get those 22 reports as soon as they happen. 23 So whilst that's two or three too many, I think it 24 gives a much more positive picture than this one in the 25 table.</p> <p style="text-align: center;">Page 210</p>
<p>1 MR FRANK: I don't want to dispute that with you. It may be 2 thought that if that's mostly about children going 3 missing on more than one occasion, that's not 4 a particularly positive picture because it plainly 5 indicates they are being put back somewhere where they 6 still don't like. But whether that be the case or not, 7 what I want to ask you is this: if we then turn to 8 paragraph 19, which are the key priorities recommended 9 to you for this year, which is when you're in the chair, 10 priorities for 2018/19, they include, if we look 11 halfway down the bullet points there, "to develop early 12 intervention strategies that will reduce the number of 13 missing children having multiple missing occurrences", 14 which, according to you, will be the majority of them, 15 multiple missing occurrences; is that right? 16 A. Yes. 17 MR FRANK: Can I just ask you, what have you done so far 18 this year to develop that strategy and what have you in 19 mind for the balance of the year to develop that 20 strategy? 21 A. Well, officers will be working on that strategy. The 22 report went to the committee on 17 September. Whilst 23 I'm a pretty quick worker, we are only at the fag end 24 of October. So officers will be working on an action 25 plan, I'm sure, for that and they will present it to me,</p> <p style="text-align: center;">Page 211</p>	<p>1 which will then, I have no doubt, come to committee at 2 an appropriate time. 3 MR FRANK: But when will that time be? 4 A. I don't know exactly. But it will -- I would expect it 5 to be -- I can't recall when it's been put on the work 6 programme, but certainly I would expect it within 7 a matter of two to three months. 8 MR FRANK: Thank you. I was going to ask you the same 9 question about the following two priorities, but 10 I imagine that your answers to both those questions -- 11 A. Will be the same. 12 MR FRANK: -- will be the same, yes. So you expect that 13 these priorities will have been developed sufficiently 14 for a report back to you within about two or three 15 months? 16 A. I would hope so, yes. 17 MR FRANK: Perhaps I can ask you this, then: with that 18 joyous news in two or three months' time, would you be 19 kind enough to share that with this inquiry? 20 A. I would be delighted to share it with you, yes. 21 MR FRANK: Thank you very much. 22 THE CHAIR: Thank you. Thank you, Mr Owen. 23 (The witness withdrew) 24 THE CHAIR: That concludes our business today, Mr Sadd? 25 MR SADD: Chair, it does. Two things: first, the documents</p> <p style="text-align: center;">Page 212</p>

<p>1 that have been referred to throughout the course of 2 the day in relation to the witnesses will be uploaded 3 over the course of the next few days; and, secondly, 4 thank you for sitting beyond time. 5 THE CHAIR: Thank you. 6 (4.41 pm) 7 (The hearing was adjourned to 8 Wednesday, 24 October 2018 at 10.00 am) 9 10 I N D E X 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 213</p>	<p>1 INDEX 2 PAGE 3 MS SUSAN MATTHEWS (sworn)1 4 5 Examination by MR LIVINGSTON1 6 7 Questions by THE PANEL56 8 9 MS RACHEL MORTON (sworn)63 10 11 Examination by MR LIVINGSTON63 12 13 Questions by THE PANEL115 14 15 MR STEVE EDWARDS (sworn)119 16 17 Examination by MR SADD119 18 19 Examination by MR SULEMAN163 20 21 Questions by THE PANEL167 22 23 MR PHILIP OWEN (sworn)174 24 25 Examination by MR SADD174</p> <p style="text-align: center;">Page 214</p>
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